

1 A bill to be entitled
2 An act relating to special districts; designating
3 parts I-VIII of ch. 189, F.S., relating to special
4 districts, and renaming the chapter; amending s.
5 11.40, F.S.; revising duties of the Legislative
6 Auditing Committee; amending s. 112.312, F.S.;
7 redefining the term "agency" as it applies to the code
8 of ethics for public officers and employees to include
9 special districts; creating s. 112.511, F.S.;
10 specifying applicability of procedures regarding
11 suspension and removal of a member of the governing
12 body of a special district; amending s. 125.901, F.S.;
13 revising membership criteria; transferring,
14 renumbering, and amending s. 189.401, F.S.; revising a
15 short title; transferring, renumbering, and amending
16 s. 189.402, F.S.; revising a statement of legislative
17 purpose and intent; making technical changes;
18 conforming provisions to changes made by the act;
19 transferring, renumbering, and amending s. 189.403,
20 F.S.; redefining the term "special district";
21 transferring, renumbering, and amending ss. 189.4031,
22 189.4035, 189.404, 189.40401, 189.4041, and 189.4042,
23 F.S.; deleting provisions relating to the application
24 of a special district to amend its charter; conforming
25 provisions and cross-references; transferring,
26 renumbering, and amending s. 189.4044, F.S.; revising

27 | the circumstances under which the Department of
 28 | Economic Opportunity may declare a special district
 29 | inactive; requiring the department to provide notice
 30 | of a declaration of inactive status to certain persons
 31 | and bodies; prohibiting special districts that are
 32 | declared inactive from collecting taxes, fees, or
 33 | assessments; providing exceptions; providing for
 34 | enforcement of the prohibition; providing for costs of
 35 | litigation and reasonable attorney fees under certain
 36 | conditions; transferring and renumbering ss. 189.4045
 37 | and 189.4047, F.S.; transferring, renumbering, and
 38 | amending s. 189.405, F.S.; revising requirements
 39 | related to education programs for new members of
 40 | special district governing bodies; amending s.
 41 | 189.4051, F.S.; revising definitions; conforming
 42 | provisions; transferring and renumbering ss. 189.4065,
 43 | 189.408, and 189.4085, F.S.; transferring,
 44 | renumbering, and amending ss. 189.412 and 189.413,
 45 | F.S.; renaming the Special District Information
 46 | Program the Special District Accountability Program;
 47 | revising duties of the Special District Accountability
 48 | Program; transferring and renumbering ss. 189.415,
 49 | 189.4155, and 189.4156, F.S.; transferring,
 50 | renumbering, and amending ss. 189.416, 189.417, and
 51 | 189.418, F.S.; conforming provisions and cross-
 52 | references; transferring, renumbering, and amending s.

53 | 189.419, F.S.; revising provisions related to the
 54 | failure of a special district to file certain reports
 55 | or information; conforming cross-references;
 56 | transferring and renumbering s. 189.420, F.S.;
 57 | transferring, renumbering, and amending s. 189.421,
 58 | F.S.; revising notification requirements; deleting
 59 | provisions related to available remedies for the
 60 | failure of a special district to disclose required
 61 | financial reports; transferring and renumbering ss.
 62 | 189.4221, 189.423, and 189.425, F.S.; transferring,
 63 | renumbering, and amending s. 189.427, F.S.; providing
 64 | for the deposit of administration fees into the
 65 | Operating Trust Fund rather than the Grants and
 66 | Donations Trust Fund; transferring, renumbering, and
 67 | amending s. 189.428, F.S.; revising the oversight
 68 | review process for special districts; transferring and
 69 | renumbering s. 189.429, F.S.; repealing ss. 189.430,
 70 | 189.431, 189.432, 189.433, 189.434, 189.435, 189.436,
 71 | 189.437, 189.438, 189.439, 189.440, 189.441, 189.442,
 72 | 189.443, and 189.444, F.S., relating to the Community
 73 | Improvement Authority Act; creating ss. 189.034 and
 74 | 189.035, F.S.; requiring the Legislative Auditing
 75 | Committee to provide notice of the failure of special
 76 | districts to file certain required reports to certain
 77 | persons and bodies; authorizing the Legislative
 78 | Auditing Committee to convene a public hearing;

79 requiring a special district to provide certain
 80 information before the public hearing at the request
 81 of the Legislative Auditing Committee or the reviewing
 82 entity; creating s. 189.055, F.S.; requiring special
 83 districts to be treated as municipalities for certain
 84 purposes; creating s. 189.069, F.S.; requiring special
 85 districts to maintain an official Internet website for
 86 certain purposes; requiring special districts to
 87 annually update and maintain certain information on
 88 the website; requiring special districts to submit the
 89 web address of their respective websites to the
 90 department; requiring that the department's online
 91 list of special districts include a link to the
 92 website of certain special districts; creating s.
 93 189.0691, F.S.; providing for the suspension of
 94 special district governing body members by the
 95 Governor under certain conditions; requiring the
 96 Governor and appointing authority to ensure that the
 97 governing body maintains a sufficient number of
 98 members to constitute a quorum; amending ss. 11.45,
 99 100.011, 101.657, 112.061, 112.63, 112.665, 121.021,
 100 121.051, 153.94, 163.08, 165.031, 165.0615, 171.202,
 101 175.032, 190.011, 190.046, 190.049, 191.003, 191.005,
 102 191.013, 191.014, 191.015, 200.001, 218.31, 218.32,
 103 218.37, 255.20, 298.225, 343.922, 348.0004, 373.711,
 104 403.0891, 582.32, and 1013.355, F.S.; conforming

105 cross-references and provisions to changes made by the
 106 act; providing an effective date.

107

108 Be It Enacted by the Legislature of the State of Florida:

109

110 Section 1. Chapter 189, Florida Statutes, as amended by
 111 this act, is divided into the following parts:

112 (1) Part I, consisting of sections 189.01, 189.011,
 113 189.012, 189.013, 189.014, 189.015, 189.016, 189.017, 189.018,
 114 and 189.019, Florida Statutes, as created by this act, and
 115 entitled "General Provisions."

116 (2) Part II, consisting of sections 189.02 and 189.021,
 117 Florida Statutes, as created by this act, and entitled
 118 "Dependent Special Districts."

119 (3) Part III, consisting of sections 189.03, 189.031,
 120 189.0311, 189.033, 189.034, and 189.035, Florida Statutes, as
 121 created by this act, and entitled "Independent Special
 122 Districts."

123 (4) Part IV, consisting of sections 189.04, 189.041, and
 124 189.042, Florida Statutes, as created by this act, and entitled
 125 "Elections."

126 (5) Part V, consisting of sections 189.05, 189.051,
 127 189.052, 189.053, 189.054, and 189.055, Florida Statutes, as
 128 created by this act, and entitled "Finance."

129 (6) Part VI, consisting of sections 189.06, 189.061,
 130 189.062, 189.063, 189.064, 189.065, 189.066, 189.067, 189.068,

131 189.069, and 189.0691, Florida Statutes, as created by this act,
 132 and entitled "Oversight and Accountability."

133 (7) Part VII, consisting of sections 189.07, 189.071,
 134 189.072, 189.073, 189.074, 189.075, 189.076, and 189.0761,
 135 Florida Statutes, as created by this act, and entitled "Merger
 136 and Dissolution."

137 (8) Part VIII, consisting of sections 189.08, 189.081, and
 138 189.082, Florida Statutes, as created by this act, and entitled
 139 "Comprehensive Planning."

140 Section 2. Paragraph (b) of subsection (2) of section
 141 11.40, Florida Statutes, is amended to read:

142 11.40 Legislative Auditing Committee.—

143 (2) Following notification by the Auditor General, the
 144 Department of Financial Services, or the Division of Bond
 145 Finance of the State Board of Administration of the failure of a
 146 local governmental entity, district school board, charter
 147 school, or charter technical career center to comply with the
 148 applicable provisions within s. 11.45(5)-(7), s. 218.32(1), or
 149 s. 218.38, the Legislative Auditing Committee may schedule a
 150 hearing to determine if the entity should be subject to further
 151 state action. If the committee determines that the entity should
 152 be subject to further state action, the committee shall:

153 (b) In the case of a special district created by:

154 1. A special act, notify the Speaker of the House of
 155 Representatives, the President of the Senate, the standing
 156 committees of the Senate and the House of Representatives

157 charged with special district oversight as determined by the
 158 presiding officers of each respective chamber, the legislators
 159 who represent a portion of the geographical jurisdiction of the
 160 special district and the Department of Economic Opportunity that
 161 the special district has failed to comply with the law. Upon
 162 receipt of notification, the Department of Economic Opportunity
 163 shall proceed pursuant to 189.062 or s. 189.067. If the special
 164 district remains in noncompliance after the process set forth in
 165 s. 189.034(3), the Legislative Auditing Committee may request
 166 the department to proceed pursuant to s. 189.067(3) ~~s. 189.4044~~
 167 ~~or s. 189.421.~~

168 2. A local ordinance, notify the chair or equivalent of
 169 the local general-purpose government pursuant to s. 189.034(2)
 170 and the Department of Economic Opportunity that the special
 171 district has failed to comply with the law. Upon receipt of
 172 notification, the department shall proceed pursuant to s.
 173 189.062 or s. 189.067. If the special district remains in
 174 noncompliance after the process set forth s. 189.035(3), the
 175 Legislative Auditing Committee may request the department to
 176 proceed pursuant to s. 189.067(3).

177 Section 3. Subsection (2) of section 112.312, Florida
 178 Statutes, is amended to read:

179 112.312 Definitions.—As used in this part and for purposes
 180 of the provisions of s. 8, Art. II of the State Constitution,
 181 unless the context otherwise requires:

182 (2) "Agency" means any state, regional, county, local, or
 183 municipal government entity of this state, whether executive,
 184 judicial, or legislative; any department, division, bureau,
 185 commission, authority, or political subdivision of this state
 186 therein; ~~or~~ any public school, community college, or state
 187 university; or any special district as defined in s. 189.012.

188 Section 4. Section 112.511, Florida Statutes, is created
 189 to read:

190 112.511 Members of special district governing bodies;
 191 suspension; removal from office.—

192 (1) A member of the governing body of a special district,
 193 as defined in s. 189.012, who exercises the powers and duties of
 194 a state or a county officer, is subject to the Governor's power
 195 under s. 7(a), Art. IV of the State Constitution to suspend such
 196 officers.

197 (2) A member of the governing body of a special district,
 198 as defined in s. 189.012, who exercises powers and duties other
 199 than that of a state or county officer, is subject to the
 200 suspension and removal procedures under s. 112.51.

201 Section 5. Subsections (1), (4), and (6) of section
 202 125.901, Florida Statutes, are amended to read:

203 125.901 Children's services; independent special district;
 204 council; powers, duties, and functions; public records
 205 exemption.—

206 (1) Each county may by ordinance create an independent
 207 special district, as defined in ss. 189.012 ~~189.403(3)~~ and

208 200.001(8)(e), to provide funding for children's services
 209 throughout the county in accordance with this section. The
 210 boundaries of such district shall be coterminous with the
 211 boundaries of the county. The county governing body shall obtain
 212 approval, by a majority vote of those electors voting on the
 213 question, to annually levy ad valorem taxes which shall not
 214 exceed the maximum millage rate authorized by this section. Any
 215 district created pursuant to the provisions of this subsection
 216 shall be required to levy and fix millage subject to the
 217 provisions of s. 200.065. Once such millage is approved by the
 218 electorate, the district shall not be required to seek approval
 219 of the electorate in future years to levy the previously
 220 approved millage.

221 (a) The governing body ~~board~~ of the district shall be a
 222 council on children's services, which may also be known as a
 223 juvenile welfare board or similar name as established in the
 224 ordinance by the county governing body. Such council shall
 225 consist of 10 members, including: the superintendent of schools;
 226 a local school board member; the district administrator from the
 227 appropriate district of the Department of Children and Family
 228 Services, or his or her designee who is a member of the Senior
 229 Management Service or of the Selected Exempt Service; one member
 230 of the county governing body; and the judge assigned to juvenile
 231 cases who shall sit as a voting member of the board, except that
 232 said judge shall not vote or participate in the setting of ad
 233 valorem taxes under this section. If there is more than one

234 judge assigned to juvenile cases in a county, the chief judge
 235 shall designate one of said juvenile judges to serve on the
 236 board. The remaining five members shall be appointed by the
 237 Governor, and shall, to the extent possible, represent the
 238 demographic diversity of the population of the county. After
 239 soliciting recommendations from the public, the county governing
 240 body shall submit to the Governor the names of at least three
 241 persons for each vacancy occurring among the five members
 242 appointed by the Governor, and the Governor shall appoint
 243 members to the council from the candidates nominated by the
 244 county governing body. The Governor shall make a selection
 245 within a 45-day period or request a new list of candidates. All
 246 members appointed by the Governor shall have been residents of
 247 the county for the previous 24-month period. Such members shall
 248 be appointed for 4-year terms, except that the length of the
 249 terms of the initial appointees shall be adjusted to stagger the
 250 terms. The Governor may remove a member for cause or upon the
 251 written petition of the county governing body. If any of the
 252 members of the council required to be appointed by the Governor
 253 under the provisions of this subsection shall resign, die, or be
 254 removed from office, the vacancy thereby created shall, as soon
 255 as practicable, be filled by appointment by the Governor, using
 256 the same method as the original appointment, and such
 257 appointment to fill a vacancy shall be for the unexpired term of
 258 the person who resigns, dies, or is removed from office.

259 (b) However, any county as defined in s. 125.011(1) may
 260 instead have a governing body ~~board~~ consisting of 33 members,
 261 including: the superintendent of schools; two representatives of
 262 public postsecondary education institutions located in the
 263 county; the county manager or the equivalent county officer; the
 264 district administrator from the appropriate district of the
 265 Department of Children and Family Services, or the
 266 administrator's designee who is a member of the Senior
 267 Management Service or the Selected Exempt Service; the director
 268 of the county health department or the director's designee; the
 269 state attorney for the county or the state attorney's designee;
 270 the chief judge assigned to juvenile cases, or another juvenile
 271 judge who is the chief judge's designee and who shall sit as a
 272 voting member of the board, except that the judge may not vote
 273 or participate in setting ad valorem taxes under this section;
 274 an individual who is selected by the board of the local United
 275 Way or its equivalent; a member of a locally recognized faith-
 276 based coalition, selected by that coalition; a member of the
 277 local chamber of commerce, selected by that chamber or, if more
 278 than one chamber exists within the county, a person selected by
 279 a coalition of the local chambers; a member of the early
 280 learning coalition, selected by that coalition; a representative
 281 of a labor organization or union active in the county; a member
 282 of a local alliance or coalition engaged in cross-system
 283 planning for health and social service delivery in the county,
 284 selected by that alliance or coalition; a member of the local

285 Parent-Teachers Association/Parent-Teacher-Student Association,
 286 selected by that association; a youth representative selected by
 287 the local school system's student government; a local school
 288 board member appointed by the chair of the school board; the
 289 mayor of the county or the mayor's designee; one member of the
 290 county governing body, appointed by the chair of that body; a
 291 member of the state Legislature who represents residents of the
 292 county, ~~selected by the chair of the local legislative~~
 293 ~~delegation~~; an elected official representing the residents of a
 294 municipality in the county, selected by the county municipal
 295 league; and 4 members-at-large, appointed to the council by the
 296 majority of sitting council members. The remaining 7 members
 297 shall be appointed by the Governor in accordance with procedures
 298 set forth in paragraph (a), except that the Governor may remove
 299 a member for cause or upon the written petition of the council.
 300 Appointments by the Governor must, to the extent reasonably
 301 possible, represent the geographic and demographic diversity of
 302 the population of the county. Members who are appointed to the
 303 council by reason of their position are not subject to the
 304 length of terms and limits on consecutive terms as provided in
 305 this section. The remaining appointed members of the governing
 306 body ~~board~~ shall be appointed to serve 2-year terms, except that
 307 those members appointed by the Governor shall be appointed to
 308 serve 4-year terms, and the youth representative and the
 309 legislative delegate shall be appointed to serve 1-year terms. A
 310 member may be reappointed; however, a member may not serve for

311 more than three consecutive terms. A member is eligible to be
312 appointed again after a 2-year hiatus from the council.

313 (c) This subsection does not prohibit a county from
314 exercising such power as is provided by general or special law
315 to provide children's services or to create a special district
316 to provide such services.

317 (4) (a) Any district created pursuant to this section may
318 be dissolved by a special act of the Legislature, or the county
319 governing body may by ordinance dissolve the district subject to
320 the approval of the electorate.

321 (b)1.a. Notwithstanding paragraph (a), the governing body
322 of the county shall submit the question of retention or
323 dissolution of a district with voter-approved taxing authority
324 to the electorate in the general election according to the
325 following schedule:

326 (I) For a district in existence on July 1, 2010, and serving a
327 county with a population of 400,000 or fewer persons as of that
328 date.....2014.

329 (II) For a district in existence on July 1, 2010, and serving a
330 county with a population of more than 400,000 but fewer than 2
331 million persons as of
332 that date.....2016.

333 (III) For a district in existence on July 1, 2010, and serving
334 a county with a population of 2 million or more persons as of
335 that date.....2020.

336 b. A referendum by the electorate on or after July 1,
337 2010, creating a new district with taxing authority may specify
338 that the district is not subject to reauthorization or may
339 specify the number of years for which the initial authorization
340 shall remain effective. If the referendum does not prescribe
341 terms of reauthorization, the governing body of the county shall
342 submit the question of retention or dissolution of the district
343 to the electorate in the general election 12 years after the
344 initial authorization.

345 2. The governing body ~~board~~ of the district may specify,
346 and submit to the governing body of the county no later than 9
347 months before the scheduled election, that the district is not
348 subsequently subject to reauthorization or may specify the
349 number of years for which a reauthorization under this paragraph
350 shall remain effective. If the governing body ~~board~~ of the
351 district makes such specification and submission, the governing
352 body of the county shall include that information in the
353 question submitted to the electorate. If the governing body
354 ~~board~~ of the district does not specify and submit such
355 information, the governing body of the county shall resubmit the
356 question of reauthorization to the electorate every 12 years
357 after the year prescribed in subparagraph 1. The governing body
358 ~~board~~ of the district may recommend to the governing body of the
359 county language for the question submitted to the electorate.

360 3. Nothing in this paragraph limits the authority to
361 dissolve a district as provided under paragraph (a).

362 4. Nothing in this paragraph precludes the governing body
 363 ~~board~~ of a district from requesting that the governing body of
 364 the county submit the question of retention or dissolution of a
 365 district with voter-approved taxing authority to the electorate
 366 at a date earlier than the year prescribed in subparagraph 1. If
 367 the governing body of the county accepts the request and submits
 368 the question to the electorate, the governing body satisfies the
 369 requirement of that subparagraph.

370
 371 If any district is dissolved pursuant to this subsection, each
 372 county must first obligate itself to assume the debts,
 373 liabilities, contracts, and outstanding obligations of the
 374 district within the total millage available to the county
 375 governing body for all county and municipal purposes as provided
 376 for under s. 9, Art. VII of the State Constitution. Any district
 377 may also be dissolved pursuant to s. part VII of chapter 189
 378 ~~189.4042~~.

379 (6) Any district created pursuant to the provisions of
 380 this section shall comply with all other statutory requirements
 381 of general application which relate to the filing of any
 382 financial reports or compliance reports required under part III
 383 of chapter 218, or any other report or documentation required by
 384 law, including the requirements of ss. 189.08, 189.015, and
 385 189.016 ~~189.415, 189.417, and 189.418~~.

386 Section 6. Section 189.401, Florida Statutes, is
 387 transferred, renumbered as section 189.01, Florida Statutes, and
 388 amended to read:

389 189.01 ~~189.401~~ Short title.—This chapter may be cited as
 390 the "Uniform Special District Accountability Act ~~of 1989.~~"

391 Section 7. Subsections (1), (6), and (7) of section
 392 189.402, Florida Statutes, are transferred and renumbered as
 393 subsections (1), (2), and (3), respectively, of section 189.011,
 394 Florida Statutes, and present subsection (6) of that section is
 395 amended, to read:

396 189.011 ~~189.402~~ Statement of legislative purpose and
 397 intent.—

398 (2) ~~(6)~~ The Legislature finds that special districts serve
 399 a necessary and useful function by providing services to
 400 residents and property in the state. The Legislature finds
 401 further that special districts operate to serve a public purpose
 402 and that this is best secured by certain minimum standards of
 403 accountability designed to inform the public and appropriate
 404 general-purpose local governments of the status and activities
 405 of special districts. It is the intent of the Legislature that
 406 this public trust be secured by requiring each independent
 407 special district in the state to register and report its
 408 financial and other activities. The Legislature further finds
 409 that failure of an independent special district to comply with
 410 the minimum disclosure requirements set forth in this chapter

411 may result in action against officers of such district body
 412 ~~board~~.

413 Section 8. Subsection (2) of section 189.402, Florida
 414 Statutes, is transferred, renumbered as section 189.06, Florida
 415 Statutes, and amended to read:

416 189.06 ~~189.402~~ Legislative intent; centralized location
 417 ~~Statement of legislative purpose and intent.~~-

418 ~~(2)~~ It is the intent of the Legislature through the
 419 adoption of this chapter to have one centralized location for
 420 all legislation governing special districts and to:

421 (1) ~~(a)~~ Improve the enforcement of statutes currently in
 422 place that help ensure the accountability of special districts
 423 to state and local governments.

424 (2) ~~(b)~~ Improve communication and coordination between
 425 state agencies with respect to required special district
 426 reporting and state monitoring.

427 (3) ~~(c)~~ Improve communication and coordination between
 428 special districts and other local entities with respect to ad
 429 valorem taxation, non-ad valorem assessment collection, special
 430 district elections, and local government comprehensive planning.

431 (4) ~~(d)~~ Move toward greater uniformity in special district
 432 elections and non-ad valorem assessment collection procedures at
 433 the local level without hampering the efficiency and
 434 effectiveness of the current procedures.

435 (5) ~~(e)~~ Clarify special district definitions and creation
 436 methods in order to ensure consistent application of those

437 definitions and creation methods across all levels of
 438 government.

439 (6)~~(f)~~ Specify in general law the essential components of
 440 any new type of special district.

441 (7)~~(g)~~ Specify in general law the essential components of
 442 a charter for a new special district.

443 (8)~~(h)~~ Encourage the creation of municipal service taxing
 444 units and municipal service benefit units for providing
 445 municipal services in unincorporated areas of each county.

446 Section 9. Subsections (3), (4), (5), and (8) of section
 447 189.402, Florida Statutes, are transferred, renumbered as
 448 subsections (1), (2), (3), and (4), respectively, of section
 449 189.03, Florida Statutes, and amended to read:

450 189.03 ~~189.402~~ Statement of legislative purpose and
 451 intent; independent special districts.-

452 (1)~~(3)~~ The Legislature finds that:

453 (a) There is a need for uniform, focused, and fair
 454 procedures in state law to provide a reasonable alternative for
 455 the establishment, powers, operation, and duration of
 456 independent special districts ~~to manage and finance basic~~
 457 ~~capital infrastructure, facilities, and services; and that,~~
 458 ~~based upon a proper and fair determination of applicable facts,~~
 459 ~~an independent special district can constitute a timely,~~
 460 ~~efficient, effective, responsive, and economic way to deliver~~
 461 ~~these basic services, thereby providing a means of solving the~~
 462 ~~state's planning, management, and financing needs for delivery~~

463 ~~of capital infrastructure, facilities, and services in order to~~
 464 ~~provide for projected growth without overburdening other~~
 465 ~~governments and their taxpayers.~~

466 (b) It is in the public interest that any independent
 467 special district created pursuant to state law not outlive its
 468 usefulness and that the operation of such a district and the
 469 exercise by the district of its powers be consistent with
 470 applicable due process, disclosure, accountability, ethics, and
 471 government-in-the-sunshine requirements which apply both to
 472 governmental entities and to their elected and appointed
 473 officials.

474 ~~(c) It is in the public interest that long range planning,~~
 475 ~~management, and financing and long term maintenance, upkeep, and~~
 476 ~~operation of basic services by independent special districts be~~
 477 ~~uniform.~~

478 (2)(4) It is the policy of this state:

479 (a) That independent special districts may be used ~~are a~~
 480 ~~legitimate alternative method available for use by the private~~
 481 ~~and public sectors, as authorized by state law, to manage, own,~~
 482 ~~operate, construct, and finance basic capital infrastructure,~~
 483 ~~facilities, and services.~~

484 (b) That the exercise by any independent special district
 485 of its powers, ~~as set forth by uniform general law~~ comply with
 486 all applicable ~~governmental comprehensive planning~~ laws, rules,
 487 and regulations.

488 ~~(3)-(5)~~ It is the legislative intent ~~and purpose, based~~
 489 ~~upon, and consistent with, its findings of fact and declarations~~
 490 ~~of policy,~~ to authorize a uniform procedure by general law to
 491 create an independent special district, ~~as an alternative method~~
 492 ~~to manage and finance basic capital infrastructure, facilities,~~
 493 ~~and services. It is further the legislative intent and purpose~~
 494 to provide by general law for the uniform operation, exercise of
 495 power, and procedure for termination of any such independent
 496 special district.

497 ~~(4)-(8)~~ The Legislature finds and declares that:

498 (a) Growth and development issues transcend the boundaries
 499 and responsibilities of individual units of government, and
 500 often no single unit of government can plan or implement
 501 policies to deal with these issues without affecting other units
 502 of government.

503 (b) The provision of capital infrastructure, facilities,
 504 and services for the preservation and enhancement of the quality
 505 of life of the people of this state may require the creation of
 506 multicounty and multijurisdictional districts.

507 Section 10. Section 189.403, Florida Statutes, is
 508 transferred, renumbered as section 189.012, Florida Statutes,
 509 reordered, and amended to read:

510 189.012 ~~189.403~~ Definitions.—As used in this chapter, the
 511 term:

512 ~~(6)-(1)~~ "Special district" means a ~~local~~ unit of local
 513 government created for a ~~of~~ special purpose, as opposed to a a

514 general purpose ~~general-purpose~~, which has jurisdiction to
 515 operate government within a limited geographic boundary and is,
 516 created by general law, special act, local ordinance, or by rule
 517 of the Governor and Cabinet. ~~The special purpose or purposes of~~
 518 ~~special districts are implemented by specialized functions and~~
 519 ~~related prescribed powers. For the purpose of s. 196.199(1),~~
 520 ~~special districts shall be treated as municipalities.~~ The term
 521 does not include a school district, a community college
 522 district, a special improvement district created pursuant to s.
 523 285.17, a municipal service taxing or benefit unit as specified
 524 in s. 125.01, or a board which provides electrical service and
 525 which is a political subdivision of a municipality or is part of
 526 a municipality.

527 (2) "Dependent special district" means a special district
 528 that meets at least one of the following criteria:

529 (a) The membership of its governing body is identical to
 530 that of the governing body of a single county or a single
 531 municipality.

532 (b) All members of its governing body are appointed by the
 533 governing body of a single county or a single municipality.

534 (c) During their unexpired terms, members of the special
 535 district's governing body are subject to removal at will by the
 536 governing body of a single county or a single municipality.

537 (d) The district has a budget that requires approval
 538 through an affirmative vote or can be vetoed by the governing
 539 body of a single county or a single municipality.

540
 541 This subsection is for purposes of definition only. Nothing in
 542 this subsection confers additional authority upon local
 543 governments not otherwise authorized by the provisions of the
 544 special acts or general acts of local application creating each
 545 special district, as amended.

546 (3) "Independent special district" means a special
 547 district that is not a dependent special district as defined in
 548 subsection (2). A district that includes more than one county is
 549 an independent special district unless the district lies wholly
 550 within the boundaries of a single municipality.

551 (1)~~(4)~~ "Department" means the Department of Economic
 552 Opportunity.

553 (4)~~(5)~~ "Local governing authority" means the governing
 554 body of a unit of local general-purpose government. However, if
 555 the special district is a political subdivision of a
 556 municipality, "local governing authority" means the
 557 municipality.

558 (7)~~(6)~~ "Water management district" for purposes of this
 559 chapter means a special taxing district which is a regional
 560 water management district created and operated pursuant to
 561 chapter 373 or chapter 61-691, Laws of Florida, or a flood
 562 control district created and operated pursuant to chapter 25270,
 563 Laws of Florida, 1949, as modified by s. 373.149.

564 (5)~~(7)~~ "Public facilities" means major capital
 565 improvements, including, but not limited to, transportation

566 facilities, sanitary sewer facilities, solid waste facilities,
 567 water management and control facilities, potable water
 568 facilities, alternative water systems, educational facilities,
 569 parks and recreational facilities, health systems and
 570 facilities, and, except for spoil disposal by those ports listed
 571 in s. 311.09(1), spoil disposal sites for maintenance dredging
 572 in waters of the state.

573 Section 11. Subsection (1) of section 189.4031, Florida
 574 Statutes, is transferred and renumbered as section 189.013,
 575 Florida Statutes, and the catchline of that section shall read:
 576 "Special districts; creation, dissolution, and reporting
 577 requirements."

578 Section 12. Subsection (2) of section 189.4031, Florida
 579 Statutes, is transferred, renumbered as section 189.0311,
 580 Florida Statutes, and amended to read:

581 189.0311 ~~189.4031~~ Independent special districts ~~Special~~
 582 ~~districts; creation, dissolution, and reporting requirements;~~
 583 charter requirements.-

584 ~~(2)~~ Notwithstanding any general law, special act, or
 585 ordinance of a local government to the contrary, any independent
 586 special district charter enacted after September 30, 1989, ~~the~~
 587 ~~effective date of this section~~ shall contain the information
 588 required by s. 189.031(3) ~~189.404(3)~~. Recognizing that the
 589 exclusive charter for a community development district is the
 590 statutory charter contained in ss. 190.006-190.041, community
 591 development districts established after July 1, 1980, pursuant

592 to the provisions of chapter 190 shall be deemed in compliance
 593 with this requirement.

594 Section 13. Section 189.4035, Florida Statutes, is
 595 transferred and renumbered as section 189.061, Florida Statutes,
 596 and subsections (1), (5), and (6) of that section are amended,
 597 to read:

598 189.061 ~~189.4035~~ ~~Preparation of~~ Official list of special
 599 districts.—

600 (1) The department ~~of Economic Opportunity~~ shall maintain
 601 ~~compile~~ the official list of special districts. The official
 602 list of special districts shall include all special districts in
 603 this state and shall indicate the independent or dependent
 604 status of each district. All special districts on ~~in~~ the list
 605 shall be sorted by county. The definitions in s. 189.012 ~~189.403~~
 606 shall be the criteria for determination of the independent or
 607 dependent status of each special district on the official list.
 608 The status of community development districts shall be
 609 independent on the official list of special districts.

610 (5) The official list of special districts shall be
 611 available on the department's website and must include a link to
 612 the website of each special district that provides web-based
 613 access to the public of the information and documentation
 614 required under s. 189.069.

615 (6) ~~Preparation of~~ The official list of special districts
 616 or the determination of status does not constitute final agency
 617 action pursuant to chapter 120. If the status of a special

618 district on the official list is inconsistent with the status
 619 submitted by the district, the district may request the
 620 department to issue a declaratory statement setting forth the
 621 requirements necessary to resolve the inconsistency. If
 622 necessary, upon issuance of a declaratory statement by the
 623 department which is not appealed pursuant to chapter 120, the
 624 governing body ~~board~~ of any special district receiving such a
 625 declaratory statement shall apply to the entity which originally
 626 established the district for an amendment to its charter
 627 correcting the specified defects in its original charter. This
 628 amendment shall be for the sole purpose of resolving
 629 inconsistencies between a district charter and the status of a
 630 district as it appears on the official list. ~~Such application~~
 631 ~~shall occur as follows:~~

632 ~~(a) In the event a special district was created by a local~~
 633 ~~general-purpose government or state agency and applies for an~~
 634 ~~amendment to its charter to confirm its independence, said~~
 635 ~~application shall be granted as a matter of right. If~~
 636 ~~application by an independent district is not made within 6~~
 637 ~~months of rendition of a declaratory statement, the district~~
 638 ~~shall be deemed dependent and become a political subdivision of~~
 639 ~~the governing body which originally established it by operation~~
 640 ~~of law.~~

641 ~~(b) If the Legislature created a special district, the~~
 642 ~~district shall request, by resolution, an amendment to its~~
 643 ~~charter by the Legislature. Failure to apply to the Legislature~~

644 ~~for an amendment to its charter during the next regular~~
 645 ~~legislative session following rendition of a declaratory~~
 646 ~~statement or failure of the Legislature to pass a special act~~
 647 ~~shall render the district dependent.~~

648 Section 14. Section 189.404, Florida Statutes, is
 649 transferred and renumbered as section 189.031, Florida Statutes,
 650 and subsection (2) and paragraphs (e), (f), and (g) of
 651 subsection (3) of that section are amended, to read:

652 189.031 ~~189.404~~ Legislative intent for the creation of
 653 independent special districts; special act prohibitions; model
 654 elements and other requirements; general-purpose local
 655 government/Governor and Cabinet creation authorizations.—

656 (2) SPECIAL ACTS PROHIBITED.—Pursuant to s. 11(a)(21),
 657 Art. III of the State Constitution, the Legislature hereby
 658 prohibits special laws or general laws of local application
 659 which:

660 (a) Create independent special districts that do not, at a
 661 minimum, conform to the minimum requirements in subsection (3);

662 (b) Exempt independent special district elections from the
 663 appropriate requirements in s. 189.04 ~~189.405~~;

664 (c) Exempt an independent special district from the
 665 requirements for bond referenda in s. 189.042 ~~189.408~~;

666 (d) Exempt an independent special district from the
 667 reporting, notice, or public meetings requirements of s.
 668 189.051, s. 189.08, s. 189.015, or s. 189.016 ~~189.4085, s.~~
 669 ~~189.415, s. 189.417, or s. 189.418;~~

670 (e) Create an independent special district for which a
 671 statement has not been submitted to the Legislature that
 672 documents the following:

- 673 1. The purpose of the proposed district;
- 674 2. The authority of the proposed district;
- 675 3. An explanation of why the district is the best
 676 alternative; and
- 677 4. A resolution or official statement of the governing
 678 body or an appropriate administrator of the local jurisdiction
 679 within which the proposed district is located stating that the
 680 creation of the proposed district is consistent with the
 681 approved local government plans of the local governing body and
 682 that the local government has no objection to the creation of
 683 the proposed district.

684 (3) MINIMUM REQUIREMENTS.—General laws or special acts
 685 that create or authorize the creation of independent special
 686 districts and are enacted after September 30, 1989, must address
 687 and require the following in their charters:

688 (e) The membership and organization of the governing body
 689 ~~board~~ of the district. If a district created after September 30,
 690 1989, uses a one-acre/one-vote election principle, it shall
 691 provide for a governing body ~~board~~ consisting of five members.
 692 Three members shall constitute a quorum.

693 (f) The maximum compensation of a governing body ~~board~~
 694 member.

695 (g) The administrative duties of the governing body ~~board~~
 696 of the district.

697 Section 15. Section 189.40401, Florida Statutes, is
 698 transferred and renumbered as section 189.033, Florida Statutes.

699 Section 16. Section 189.4041, Florida Statutes, is
 700 transferred and renumbered as section 189.02, Florida Statutes,
 701 and paragraph (e) of subsection (4) of that section is amended,
 702 to read:

703 189.02 ~~189.4041~~ Dependent special districts.—

704 (4) Dependent special districts created by a county or
 705 municipality shall be created by adoption of an ordinance that
 706 includes:

707 (e) The membership, organization, compensation, and
 708 administrative duties of the governing body ~~board~~.

709 Section 17. Subsection (1) of section 189.4042, Florida
 710 Statutes, is transferred, renumbered as section 189.07, Florida
 711 Statutes, and amended to read:

712 189.07 ~~189.4042~~ Definitions ~~Merger and dissolution~~
 713 ~~procedures.~~—

714 ~~(1) DEFINITIONS.~~—As used in this part ~~section~~, the term:

715 (1)(a) "Component independent special district" means an
 716 independent special district that proposes to be merged into a
 717 merged independent district, or an independent special district
 718 as it existed before its merger into the merged independent
 719 district of which it is now a part.

720 (2)~~(b)~~ "Elector-initiated merger plan" means the merger
 721 plan of two or more independent special districts, a majority of
 722 whose qualified electors have elected to merge, which outlines
 723 the terms and agreements for the official merger of the
 724 districts and is finalized and approved by the governing bodies
 725 of the districts pursuant to this part ~~section~~.

726 (3)~~(e)~~ "Governing body" means the governing body of the
 727 independent special district in which the general legislative,
 728 governmental, or public powers of the district are vested and by
 729 authority of which the official business of the district is
 730 conducted.

731 (4)~~(d)~~ "Initiative" means the filing of a petition
 732 containing a proposal for a referendum to be placed on the
 733 ballot for election.

734 (5)~~(e)~~ "Joint merger plan" means the merger plan that is
 735 adopted by resolution of the governing bodies of two or more
 736 independent special districts that outlines the terms and
 737 agreements for the official merger of the districts and that is
 738 finalized and approved by the governing bodies pursuant to this
 739 part ~~section~~.

740 (6)~~(f)~~ "Merged independent district" means a single
 741 independent special district that results from a successful
 742 merger of two or more independent special districts pursuant to
 743 this part ~~section~~.

744 (7)~~(g)~~ "Merger" means the combination of two or more
 745 contiguous independent special districts resulting in a newly

746 created merged independent district that assumes jurisdiction
 747 over all of the component independent special districts.

748 (8)~~(h)~~ "Merger plan" means a written document that
 749 contains the terms, agreements, and information regarding the
 750 merger of two or more independent special districts.

751 (9)~~(i)~~ "Proposed elector-initiated merger plan" means a
 752 written document that contains the terms and information
 753 regarding the merger of two or more independent special
 754 districts and that accompanies the petition initiated by the
 755 qualified electors of the districts but that is not yet
 756 finalized and approved by the governing bodies of each component
 757 independent special district pursuant to this part ~~section~~.

758 (10)~~(j)~~ "Proposed joint merger plan" means a written
 759 document that contains the terms and information regarding the
 760 merger of two or more independent special districts and that has
 761 been prepared pursuant to a resolution of the governing bodies
 762 of the districts but that is not yet finalized and approved by
 763 the governing bodies of each component independent special
 764 district pursuant to this part ~~section~~.

765 (11)~~(k)~~ "Qualified elector" means an individual at least
 766 18 years of age who is a citizen of the United States, a
 767 permanent resident of this state, and a resident of the district
 768 who registers with the supervisor of elections of a county
 769 within which the district lands are located when the
 770 registration books are open.

771 Section 18. Subsection (2) of section 189.4042, Florida
 772 Statutes, is transferred, renumbered as section 189.071, Florida
 773 Statutes, and amended to read:

774 189.071 ~~189.4042~~ Merger or ~~and~~ dissolution of a dependent
 775 special district procedures.—

776 ~~(2) MERGER OR DISSOLUTION OF A DEPENDENT SPECIAL~~
 777 ~~DISTRICT.~~—

778 (1)(a) The merger or dissolution of a dependent special
 779 district may be effectuated by an ordinance of the general-
 780 purpose local governmental entity wherein the geographical area
 781 of the district or districts is located. However, a county may
 782 not dissolve a special district that is dependent to a
 783 municipality or vice versa, or a dependent district created by
 784 special act.

785 (2)(b) The merger or dissolution of a dependent special
 786 district created and operating pursuant to a special act may be
 787 effectuated only by further act of the Legislature unless
 788 otherwise provided by general law.

789 (3)(c) A dependent special district that meets any
 790 criteria for being declared inactive, or that has already been
 791 declared inactive, pursuant to s. 189.062 ~~189.4044~~ may be
 792 dissolved or merged by special act without a referendum.

793 (4)(d) A copy of any ordinance and of any changes to a
 794 charter affecting the status or boundaries of one or more
 795 special districts shall be filed with the Special District

796 Accountability ~~Information~~ Program within 30 days after such
797 activity.

798 Section 19. Subsection (3) of section 189.4042, Florida
799 Statutes, is transferred, renumbered as section 189.072, Florida
800 Statutes, and amended to read:

801 189.072 ~~189.4042~~ Dissolution of an independent special
802 district ~~Merger and dissolution procedures.~~

803 ~~(3) DISSOLUTION OF AN INDEPENDENT SPECIAL DISTRICT.~~

804 (1)(a) ~~Voluntary dissolution.~~—If the governing body ~~board~~
805 of an independent special district created and operating
806 pursuant to a special act elects, by a majority vote plus one,
807 to dissolve the district, the voluntary dissolution of an
808 independent special district created and operating pursuant to a
809 special act may be effectuated only by the Legislature unless
810 otherwise provided by general law.

811 (2)(b) ~~Other dissolutions.~~

812 (a)1. In order for the Legislature to dissolve an active
813 independent special district created and operating pursuant to a
814 special act, the special act dissolving the active independent
815 special district must be approved by a majority of the resident
816 electors of the district or, for districts in which a majority
817 of governing body ~~board~~ members are elected by landowners, a
818 majority of the landowners voting in the same manner by which
819 the independent special district's governing body is elected. If
820 a local general-purpose government passes an ordinance or
821 resolution in support of the dissolution, the local general-

822 purpose government must pay any expenses associated with the
 823 referendum required under this paragraph ~~subparagraph~~.

824 (b)2- If an independent special district was created by a
 825 county or municipality by referendum or any other procedure, the
 826 county or municipality that created the district may dissolve
 827 the district pursuant to a referendum or any other procedure by
 828 which the independent special district was created. However, if
 829 the independent special district has ad valorem taxation powers,
 830 the same procedure required to grant the independent special
 831 district ad valorem taxation powers is required to dissolve the
 832 district.

833 (3)(e) *Inactive independent special districts.*—An
 834 independent special district that meets any criteria for being
 835 declared inactive, or that has already been declared inactive,
 836 pursuant to s. 189.062 ~~189.4044~~ may be dissolved by special act
 837 without a referendum. If an inactive independent special
 838 district was created by a county or municipality through a
 839 referendum, the county or municipality that created the district
 840 may dissolve the district after publishing notice as described
 841 in s. 189.062 ~~189.4044~~.

842 (4)(d) *Debts and assets.*—Financial allocations of the
 843 assets and indebtedness of a dissolved independent special
 844 district shall be pursuant to s. 189.076 ~~189.4045~~.

845 Section 20. Subsection (4) of section 189.4042, Florida
 846 Statutes, is transferred, renumbered as section 189.073, Florida
 847 Statutes, and amended to read:

848 189.073 ~~189.4042~~ Legislative merger of independent special
 849 districts ~~Merger and dissolution procedures.~~

850 ~~(4) LEGISLATIVE MERGER OF INDEPENDENT SPECIAL DISTRICTS.~~

851 The Legislature, by special act, may merge independent special
 852 districts created and operating pursuant to special act.

853 Section 21. Subsection (5) of section 189.4042, Florida
 854 Statutes, is transferred, renumbered as section 189.074, Florida
 855 Statutes, and amended to read:

856 189.074 ~~189.4042~~ Voluntary merger of independent special
 857 districts ~~Merger and dissolution procedures.~~

858 ~~(5) VOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.~~ Two
 859 or more contiguous independent special districts created by
 860 special act which have similar functions and elected governing
 861 bodies may elect to merge into a single independent district
 862 through the act of merging the component independent special
 863 districts.

864 (1) ~~(a)~~ *Initiation.*—Merger proceedings may commence by:

865 (a) ~~1.~~ A joint resolution of the governing bodies of each
 866 independent special district which endorses a proposed joint
 867 merger plan; or

868 (b) ~~2.~~ A qualified elector initiative.

869 (2) ~~(b)~~ *Joint merger plan by resolution.*—The governing
 870 bodies of two or more contiguous independent special districts
 871 may, by joint resolution, endorse a proposed joint merger plan
 872 to commence proceedings to merge the districts pursuant to this
 873 section ~~subsection.~~

874 ~~(a)1.~~ The proposed joint merger plan must specify:
 875 1.a. The name of each component independent special
 876 district to be merged;
 877 ~~2.b.~~ The name of the proposed merged independent district;
 878 ~~3.c.~~ The rights, duties, and obligations of the proposed
 879 merged independent district;
 880 ~~4.d.~~ The territorial boundaries of the proposed merged
 881 independent district;
 882 5.e. The governmental organization of the proposed merged
 883 independent district insofar as it concerns elected and
 884 appointed officials and public employees, along with a
 885 transitional plan and schedule for elections and appointments of
 886 officials;
 887 ~~6.f.~~ A fiscal estimate of the potential cost or savings as
 888 a result of the merger;
 889 7.g. Each component independent special district's assets,
 890 including, but not limited to, real and personal property, and
 891 the current value thereof;
 892 8.h. Each component independent special district's
 893 liabilities and indebtedness, bonded and otherwise, and the
 894 current value thereof;
 895 9.i. Terms for the assumption and disposition of existing
 896 assets, liabilities, and indebtedness of each component
 897 independent special district jointly, separately, or in defined
 898 proportions;

899 10.j. Terms for the common administration and uniform
 900 enforcement of existing laws within the proposed merged
 901 independent district;

902 11.k. The times and places for public hearings on the
 903 proposed joint merger plan;

904 12.l. The times and places for a referendum in each
 905 component independent special district on the proposed joint
 906 merger plan, along with the referendum language to be presented
 907 for approval; and

908 13.m. The effective date of the proposed merger.

909 (b)2. The resolution endorsing the proposed joint merger
 910 plan must be approved by a majority vote of the governing bodies
 911 of each component independent special district and adopted at
 912 least 60 business days before any general or special election on
 913 the proposed joint merger plan.

914 (c)3. Within 5 business days after the governing bodies
 915 approve the resolution endorsing the proposed joint merger plan,
 916 the governing bodies must:

917 1.a. Cause a copy of the proposed joint merger plan, along
 918 with a descriptive summary of the plan, to be displayed and be
 919 readily accessible to the public for inspection in at least
 920 three public places within the territorial limits of each
 921 component independent special district, unless a component
 922 independent special district has fewer than three public places,
 923 in which case the plan must be accessible for inspection in all
 924 public places within the component independent special district;

925 ~~2.b.~~ If applicable, cause the proposed joint merger plan,
 926 along with a descriptive summary of the plan and a reference to
 927 the public places within each component independent special
 928 district where a copy of the merger plan may be examined, to be
 929 displayed on a website maintained by each district or on a
 930 website maintained by the county or municipality in which the
 931 districts are located; and

932 ~~3.e.~~ Arrange for a descriptive summary of the proposed
 933 joint merger plan, and a reference to the public places within
 934 the district where a copy may be examined, to be published in a
 935 newspaper of general circulation within the component
 936 independent special districts at least once each week for 4
 937 successive weeks.

938 ~~(d)4.~~ The governing body of each component independent
 939 special district shall set a time and place for one or more
 940 public hearings on the proposed joint merger plan. Each public
 941 hearing shall be held on a weekday at least 7 business days
 942 after the day the first advertisement is published on the
 943 proposed joint merger plan. The hearing or hearings may be held
 944 jointly or separately by the governing bodies of the component
 945 independent special districts. Any interested person residing in
 946 the respective district shall be given a reasonable opportunity
 947 to be heard on any aspect of the proposed merger at the public
 948 hearing.

949 ~~1.a.~~ Notice of the public hearing addressing the
 950 resolution for the proposed joint merger plan must be published

951 pursuant to the notice requirements in s. 189.015 ~~189.417~~ and
 952 must provide a descriptive summary of the proposed joint merger
 953 plan and a reference to the public places within the component
 954 independent special districts where a copy of the plan may be
 955 examined.

956 ~~2.b.~~ After the final public hearing, the governing bodies
 957 of each component independent special district may amend the
 958 proposed joint merger plan if the amended version complies with
 959 the notice and public hearing requirements provided in this
 960 section ~~subsection~~. Thereafter, the governing bodies may approve
 961 a final version of the joint merger plan or decline to proceed
 962 further with the merger. Approval by the governing bodies of the
 963 final version of the joint merger plan must occur within 60
 964 business days after the final hearing.

965 ~~(e)5.~~ After the final public hearing, the governing bodies
 966 shall notify the supervisors of elections of the applicable
 967 counties in which district lands are located of the adoption of
 968 the resolution by each governing body. The supervisors of
 969 elections shall schedule a separate referendum for each
 970 component independent special district. The referenda may be
 971 held in each district on the same day, or on different days, but
 972 no more than 20 days apart.

973 ~~1.a.~~ Notice of a referendum on the merger of independent
 974 special districts must be provided pursuant to the notice
 975 requirements in s. 100.342. At a minimum, the notice must
 976 include:

977 a.~~(I)~~ A brief summary of the resolution and joint merger
 978 plan;

979 b.~~(II)~~ A statement as to where a copy of the resolution
 980 and joint merger plan may be examined;

981 c.~~(III)~~ The names of the component independent special
 982 districts to be merged and a description of their territory;

983 d.~~(IV)~~ The times and places at which the referendum will
 984 be held; and

985 e.~~(V)~~ Such other matters as may be necessary to call,
 986 provide for, and give notice of the referendum and to provide
 987 for the conduct thereof and the canvass of the returns.

988 2.~~b.~~ The referenda must be held in accordance with the
 989 Florida Election Code and may be held pursuant to ss. 101.6101-
 990 101.6107. All costs associated with the referenda shall be borne
 991 by the respective component independent special district.

992 3.~~e.~~ The ballot question in such referendum placed before
 993 the qualified electors of each component independent special
 994 district to be merged must be in substantially the following
 995 form:

996 "Shall ... (name of component independent special
 997 district)... and ... (name of component independent special
 998 district or districts)... be merged into ... (name of newly
 999 merged independent district)...?"

1000
 1001 YES
 1002 NO"

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~~4.d.~~ If the component independent special districts proposing to merge have disparate millage rates, the ballot question in the referendum placed before the qualified electors of each component independent special district must be in substantially the following form:

"Shall ...(name of component independent special district)... and ...(name of component independent special district or districts)... be merged into ...(name of newly merged independent district)... if the voter-approved maximum millage rate within each independent special district will not increase absent a subsequent referendum?

-YES
-NO"

~~5.e.~~ In any referendum held pursuant to this section ~~subsection~~, the ballots shall be counted, returns made and canvassed, and results certified in the same manner as other elections or referenda for the component independent special districts.

~~6.f.~~ The merger may not take effect unless a majority of the votes cast in each component independent special district are in favor of the merger. If one of the component districts

1028 does not obtain a majority vote, the referendum fails, and
 1029 merger does not take effect.

1030 ~~7.g.~~ If the merger is approved by a majority of the votes
 1031 cast in each component independent special district, the merged
 1032 independent district is created. Upon approval, the merged
 1033 independent district shall notify the Special District
 1034 Accountability Information Program pursuant to s. 189.016(2)
 1035 ~~189.418(2)~~ and the local general-purpose governments in which
 1036 any part of the component independent special districts is
 1037 situated pursuant to s. 189.016(7) ~~189.418(7)~~.

1038 ~~8.h.~~ If the referendum fails, the merger process under
 1039 this subsection ~~paragraph~~ may not be initiated for the same
 1040 purpose within 2 years after the date of the referendum.

1041 ~~(f)6.~~ Component independent special districts merged
 1042 pursuant to a joint merger plan by resolution shall continue to
 1043 be governed as before the merger until the effective date
 1044 specified in the adopted joint merger plan.

1045 ~~(3)(e)~~ *Qualified elector-initiated merger plan.*—The
 1046 qualified electors of two or more contiguous independent special
 1047 districts may commence a merger proceeding by each filing a
 1048 petition with the governing body of their respective independent
 1049 special district proposing to be merged. The petition must
 1050 contain the signatures of at least 40 percent of the qualified
 1051 electors of each component independent special district and must
 1052 be submitted to the appropriate component independent special

1053 district governing body no later than 1 year after the start of
1054 the qualified elector-initiated merger process.

1055 (a)1. The petition must comply with, and be circulated in,
1056 the following form:

1057 PETITION FOR
1058 INDEPENDENT SPECIAL DISTRICT MERGER

1059 We, the undersigned electors and legal voters of ...(name
1060 of independent special district)..., qualified to vote at the
1061 next general or special election, respectfully petition that
1062 there be submitted to the electors and legal voters of ...(name
1063 of independent special district or districts proposed to be
1064 merged)..., for their approval or rejection at a referendum held
1065 for that purpose, a proposal to merge ...(name of component
1066 independent special district)... and ...(name of component
1067 independent special district or districts)....

1068 In witness thereof, we have signed our names on the date
1069 indicated next to our signatures.

1070 Date Name Home Address
1071 (print under signature)

1072
1073

1074 (b)2. The petition must be validated by a signed statement
1075 by a witness who is a duly qualified elector of one of the
1076 component independent special districts, a notary public, or
1077 another person authorized to take acknowledgments.

1103 3.e. An alteration or correction of information appearing
 1104 on a petition's signature line, other than an uninitialed
 1105 signature and date, does not invalidate such signature. In
 1106 matters of form, this subsection ~~paragraph~~ shall be liberally
 1107 construed, not inconsistent with substantial compliance thereto
 1108 and the prevention of fraud.

1109 4.d. The appropriately signed petition must be filed with
 1110 the governing body of each component independent special
 1111 district. The petition must be submitted to the supervisors of
 1112 elections of the counties in which the district lands are
 1113 located. The supervisors shall, within 30 business days after
 1114 receipt of the petitions, certify to the governing bodies the
 1115 number of signatures of qualified electors contained on the
 1116 petitions.

1117 (c)3. Upon verification by the supervisors of elections of
 1118 the counties within which component independent special district
 1119 lands are located that 40 percent of the qualified electors have
 1120 petitioned for merger and that all such petitions have been
 1121 executed within 1 year after the date of the initiation of the
 1122 qualified-electoral merger process, the governing bodies of each
 1123 component independent special district shall meet within 30
 1124 business days to prepare and approve by resolution a proposed
 1125 elector-initiated merger plan. The proposed plan must include:

1126 1.a. The name of each component independent special
 1127 district to be merged;

1128 2.b. The name of the proposed merged independent district;

1129 3.e. The rights, duties, and obligations of the merged
 1130 independent district;

1131 4.d. The territorial boundaries of the proposed merged
 1132 independent district;

1133 5.e. The governmental organization of the proposed merged
 1134 independent district insofar as it concerns elected and
 1135 appointed officials and public employees, along with a
 1136 transitional plan and schedule for elections and appointments of
 1137 officials;

1138 6.f. A fiscal estimate of the potential cost or savings as
 1139 a result of the merger;

1140 7.g. Each component independent special district's assets,
 1141 including, but not limited to, real and personal property, and
 1142 the current value thereof;

1143 8.h. Each component independent special district's
 1144 liabilities and indebtedness, bonded and otherwise, and the
 1145 current value thereof;

1146 9.i. Terms for the assumption and disposition of existing
 1147 assets, liabilities, and indebtedness of each component
 1148 independent special district, jointly, separately, or in defined
 1149 proportions;

1150 10.j. Terms for the common administration and uniform
 1151 enforcement of existing laws within the proposed merged
 1152 independent district;

1153 11.k. The times and places for public hearings on the
 1154 proposed joint merger plan; and

1155 12.1. The effective date of the proposed merger.
 1156 (d)4. The resolution endorsing the proposed elector-
 1157 initiated merger plan must be approved by a majority vote of the
 1158 governing bodies of each component independent special district
 1159 and must be adopted at least 60 business days before any general
 1160 or special election on the proposed elector-initiated plan.
 1161 (e)5. Within 5 business days after the governing bodies of
 1162 each component independent special district approve the proposed
 1163 elector-initiated merger plan, the governing bodies shall:
 1164 1.a. Cause a copy of the proposed elector-initiated merger
 1165 plan, along with a descriptive summary of the plan, to be
 1166 displayed and be readily accessible to the public for inspection
 1167 in at least three public places within the territorial limits of
 1168 each component independent special district, unless a component
 1169 independent special district has fewer than three public places,
 1170 in which case the plan must be accessible for inspection in all
 1171 public places within the component independent special district;
 1172 2.b. If applicable, cause the proposed elector-initiated
 1173 merger plan, along with a descriptive summary of the plan and a
 1174 reference to the public places within each component independent
 1175 special district where a copy of the merger plan may be
 1176 examined, to be displayed on a website maintained by each
 1177 district or otherwise on a website maintained by the county or
 1178 municipality in which the districts are located; and
 1179 3.e. Arrange for a descriptive summary of the proposed
 1180 elector-initiated merger plan, and a reference to the public

1181 places within the district where a copy may be examined, to be
 1182 published in a newspaper of general circulation within the
 1183 component independent special districts at least once each week
 1184 for 4 successive weeks.

1185 ~~(f)6.~~ The governing body of each component independent
 1186 special district shall set a time and place for one or more
 1187 public hearings on the proposed elector-initiated merger plan.
 1188 Each public hearing shall be held on a weekday at least 7
 1189 business days after the day the first advertisement is published
 1190 on the proposed elector-initiated merger plan. The hearing or
 1191 hearings may be held jointly or separately by the governing
 1192 bodies of the component independent special districts. Any
 1193 interested person residing in the respective district shall be
 1194 given a reasonable opportunity to be heard on any aspect of the
 1195 proposed merger at the public hearing.

1196 ~~1.a.~~ Notice of the public hearing on the proposed elector-
 1197 initiated merger plan must be published pursuant to the notice
 1198 requirements in s. 189.015 ~~189.417~~ and must provide a
 1199 descriptive summary of the elector-initiated merger plan and a
 1200 reference to the public places within the component independent
 1201 special districts where a copy of the plan may be examined.

1202 ~~2.b.~~ After the final public hearing, the governing bodies
 1203 of each component independent special district may amend the
 1204 proposed elector-initiated merger plan if the amended version
 1205 complies with the notice and public hearing requirements
 1206 provided in this section ~~subsection~~. The governing bodies must

1207 approve a final version of the merger plan within 60 business
 1208 days after the final hearing.

1209 (g)~~7.~~ After the final public hearing, the governing bodies
 1210 shall notify the supervisors of elections of the applicable
 1211 counties in which district lands are located of the adoption of
 1212 the resolution by each governing body. The supervisors of
 1213 elections shall schedule a date for the separate referenda for
 1214 each district. The referenda may be held in each district on the
 1215 same day, or on different days, but no more than 20 days apart.

1216 1.a.~~1.a.~~ Notice of a referendum on the merger of the component
 1217 independent special districts must be provided pursuant to the
 1218 notice requirements in s. 100.342. At a minimum, the notice must
 1219 include:

1220 a.~~(I)~~ A brief summary of the resolution and elector-
 1221 initiated merger plan;

1222 b.~~(II)~~ A statement as to where a copy of the resolution
 1223 and petition for merger may be examined;

1224 c.~~(III)~~ The names of the component independent special
 1225 districts to be merged and a description of their territory;

1226 d.~~(IV)~~ The times and places at which the referendum will
 1227 be held; and

1228 e.~~(V)~~ Such other matters as may be necessary to call,
 1229 provide for, and give notice of the referendum and to provide
 1230 for the conduct thereof and the canvass of the returns.

1231 2.b.~~2.b.~~ The referenda must be held in accordance with the
 1232 Florida Election Code and may be held pursuant to ss. 101.6101-

1233 101.6107. All costs associated with the referenda shall be borne
 1234 by the respective component independent special district.

1235 ~~3.e.~~ The ballot question in such referendum placed before
 1236 the qualified electors of each component independent special
 1237 district to be merged must be in substantially the following
 1238 form:

1239 "Shall ...(name of component independent special
 1240 district)... and ...(name of component independent special
 1241 district or districts)... be merged into ...(name of newly
 1242 merged independent district)...?"

1243YES

1244NO"

1245 ~~4.d.~~ If the component independent special districts
 1246 proposing to merge have disparate millage rates, the ballot
 1247 question in the referendum placed before the qualified electors
 1248 of each component independent special district must be in
 1249 substantially the following form:

1250 "Shall ...(name of component independent special
 1251 district)... and ...(name of component independent special
 1252 district or districts)... be merged into ...(name of newly
 1253 merged independent district)... if the voter-approved maximum
 1254 millage rate within each independent special district will not
 1255 increase absent a subsequent referendum?"

1256YES

1257NO"

1258 ~~5.e.~~ In any referendum held pursuant to this section
 1259 ~~subsection~~, the ballots shall be counted, returns made and
 1260 canvassed, and results certified in the same manner as other
 1261 elections or referenda for the component independent special
 1262 districts.

1263 ~~6.f.~~ The merger may not take effect unless a majority of
 1264 the votes cast in each component independent special district
 1265 are in favor of the merger. If one of the component independent
 1266 special districts does not obtain a majority vote, the
 1267 referendum fails, and merger does not take effect.

1268 ~~7.g.~~ If the merger is approved by a majority of the votes
 1269 cast in each component independent special district, the merged
 1270 district shall notify the Special District Accountability
 1271 ~~Information~~ Program pursuant to s. 189.016(2) ~~189.418(2)~~ and the
 1272 local general-purpose governments in which any part of the
 1273 component independent special districts is situated pursuant to
 1274 s. 189.016(7) ~~189.418(7)~~.

1275 ~~8.h.~~ If the referendum fails, the merger process under
 1276 this subsection ~~paragraph~~ may not be initiated for the same
 1277 purpose within 2 years after the date of the referendum.

1278 ~~(h)g.~~ Component independent special districts merged
 1279 pursuant to an elector-initiated merger plan shall continue to
 1280 be governed as before the merger until the effective date
 1281 specified in the adopted elector-initiated merger plan.

1282 ~~(4)(d)~~ *Effective date.*—The effective date of the merger
 1283 shall be as provided in the joint merger plan or elector-

1284 initiated merger plan, as appropriate, and is not contingent
 1285 upon the future act of the Legislature.

1286 (a)~~1.~~ However, as soon as practicable, the merged
 1287 independent district shall, at its own expense, submit a unified
 1288 charter for the merged district to the Legislature for approval.
 1289 The unified charter must make the powers of the district
 1290 consistent within the merged independent district and repeal the
 1291 special acts of the districts which existed before the merger.

1292 (b)~~2.~~ Within 30 business days after the effective date of
 1293 the merger, the merged independent district's governing body, as
 1294 indicated in this section ~~subsection~~, shall hold an
 1295 organizational meeting to implement the provisions of the joint
 1296 merger plan or elector-initiated merger plan, as appropriate.

1297 (5)~~(e)~~ *Restrictions during transition period.*—Until the
 1298 Legislature formally approves the unified charter pursuant to a
 1299 special act, each component independent special district is
 1300 considered a subunit of the merged independent district subject
 1301 to the following restrictions:

1302 (a)~~1.~~ During the transition period, the merged independent
 1303 district is limited in its powers and financing capabilities
 1304 within each subunit to those powers that existed within the
 1305 boundaries of each subunit which were previously granted to the
 1306 component independent special district in its existing charter
 1307 before the merger. The merged independent district may not,
 1308 solely by reason of the merger, increase its powers or financing
 1309 capability.

1310 (b)2. During the transition period, the merged independent
 1311 district shall exercise only the legislative authority to levy
 1312 and collect revenues within the boundaries of each subunit which
 1313 was previously granted to the component independent special
 1314 district by its existing charter before the merger, including
 1315 the authority to levy ad valorem taxes, non-ad valorem
 1316 assessments, impact fees, and charges.

1317 1.a. The merged independent district may not, solely by
 1318 reason of the merger or the legislatively approved unified
 1319 charter, increase ad valorem taxes on property within the
 1320 original limits of a subunit beyond the maximum millage rate
 1321 approved by the electors of the component independent special
 1322 district unless the electors of such subunit approve an increase
 1323 at a subsequent referendum of the subunit's electors. Each
 1324 subunit may be considered a separate taxing unit.

1325 2.b. The merged independent district may not, solely by
 1326 reason of the merger, charge non-ad valorem assessments, impact
 1327 fees, or other new fees within a subunit which were not
 1328 otherwise previously authorized to be charged.

1329 (c)3. During the transition period, each component
 1330 independent special district of the merged independent district
 1331 must continue to file all information and reports required under
 1332 this chapter as subunits until the Legislature formally approves
 1333 the unified charter pursuant to a special act.

1334 (d)4. The intent of this part ~~section~~ is to preserve and
 1335 transfer to the merged independent district all authority that

1336 exists within each subunit and was previously granted by the
 1337 Legislature and, if applicable, by referendum.

1338 (6)~~(f)~~ *Effect of merger, generally.*—On and after the
 1339 effective date of the merger, the merged independent district
 1340 shall be treated and considered for all purposes as one entity
 1341 under the name and on the terms and conditions set forth in the
 1342 joint merger plan or elector-initiated merger plan, as
 1343 appropriate.

1344 (a)~~1.~~ All rights, privileges, and franchises of each
 1345 component independent special district and all assets, real and
 1346 personal property, books, records, papers, seals, and equipment,
 1347 as well as other things in action, belonging to each component
 1348 independent special district before the merger shall be deemed
 1349 as transferred to and vested in the merged independent district
 1350 without further act or deed.

1351 (b)~~2.~~ All property, rights-of-way, and other interests are
 1352 as effectually the property of the merged independent district
 1353 as they were of the component independent special district
 1354 before the merger. The title to real estate, by deed or
 1355 otherwise, under the laws of this state vested in any component
 1356 independent special district before the merger may not be deemed
 1357 to revert or be in any way impaired by reason of the merger.

1358 (c)~~3.~~ The merged independent district is in all respects
 1359 subject to all obligations and liabilities imposed and possesses
 1360 all the rights, powers, and privileges vested by law in other
 1361 similar entities.

1362 (d)4. Upon the effective date of the merger, the joint
 1363 merger plan or elector-initiated merger plan, as appropriate, is
 1364 subordinate in all respects to the contract rights of all
 1365 holders of any securities or obligations of the component
 1366 independent special districts outstanding at the effective date
 1367 of the merger.

1368 (e)5. The new registration of electors is not necessary as
 1369 a result of the merger, but all elector registrations of the
 1370 component independent special districts shall be transferred to
 1371 the proper registration books of the merged independent
 1372 district, and new registrations shall be made as provided by law
 1373 as if no merger had taken place.

1374 (7)~~(g)~~ *Governing body of merged independent district.—*

1375 (a)1. From the effective date of the merger until the next
 1376 general election, the governing body of the merged independent
 1377 district shall be comprised of the governing body members of
 1378 each component independent special district, with such members
 1379 serving until the governing body members elected at the next
 1380 general election take office.

1381 (b)2. Beginning with the next general election following
 1382 the effective date of merger, the governing body of the merged
 1383 independent district shall be comprised of five members. The
 1384 office of each governing body member shall be designated by
 1385 seat, which shall be distinguished from other body member seats
 1386 by an assigned numeral: 1, 2, 3, 4, or 5. The governing body
 1387 members that are elected in this initial election following the

1388 merger shall serve unequal terms of 2 and 4 years in order to
 1389 create staggered membership of the governing body, with:

1390 1.a. Member seats 1, 3, and 5 being designated for 4-year
 1391 terms; and

1392 2.b. Member seats 2 and 4 being designated for 2-year
 1393 terms.

1394 (c)3. In general elections thereafter, all governing body
 1395 members shall serve 4-year terms.

1396 (8)-(h) *Effect on employees.*—Except as otherwise provided
 1397 by law and except for those officials and employees protected by
 1398 tenure of office, civil service provisions, or a collective
 1399 bargaining agreement, upon the effective date of merger, all
 1400 appointive offices and positions existing in all component
 1401 independent special districts involved in the merger are subject
 1402 to the terms of the joint merger plan or elector-initiated
 1403 merger plan, as appropriate. Such plan may provide for instances
 1404 in which there are duplications of positions and for other
 1405 matters such as varying lengths of employee contracts, varying
 1406 pay levels or benefits, different civil service regulations in
 1407 the constituent entities, and differing ranks and position
 1408 classifications for similar positions. For those employees who
 1409 are members of a bargaining unit certified by the Public
 1410 Employees Relations Commission, the requirements of chapter 447
 1411 apply.

1412 (9)-(i) *Effect on debts, liabilities, and obligations.*—

1413 (a)1- All valid and lawful debts and liabilities existing
 1414 against a merged independent district, or which may arise or
 1415 accrue against the merged independent district, which but for
 1416 merger would be valid and lawful debts or liabilities against
 1417 one or more of the component independent special districts, are
 1418 debts against or liabilities of the merged independent district
 1419 and accordingly shall be defrayed and answered to by the merged
 1420 independent district to the same extent, and no further than,
 1421 the component independent special districts would have been
 1422 bound if a merger had not taken place.

1423 (b)2- The rights of creditors and all liens upon the
 1424 property of any of the component independent special districts
 1425 shall be preserved unimpaired. The respective component
 1426 districts shall be deemed to continue in existence to preserve
 1427 such rights and liens, and all debts, liabilities, and duties of
 1428 any of the component districts attach to the merged independent
 1429 district.

1430 (c)3- All bonds, contracts, and obligations of the
 1431 component independent special districts which exist as legal
 1432 obligations are obligations of the merged independent district,
 1433 and all such obligations shall be issued or entered into by and
 1434 in the name of the merged independent district.

1435 (10)(j) *Effect on actions and proceedings.*—In any action
 1436 or proceeding pending on the effective date of merger to which a
 1437 component independent special district is a party, the merged
 1438 independent district may be substituted in its place, and the

1439 action or proceeding may be prosecuted to judgment as if merger
 1440 had not taken place. Suits may be brought and maintained against
 1441 a merged independent district in any state court in the same
 1442 manner as against any other independent special district.

1443 (11)~~(k)~~ *Effect on annexation.*—Chapter 171 continues to
 1444 apply to all annexations by a city within the component
 1445 independent special districts' boundaries after merger occurs.
 1446 Any moneys owed to a component independent special district
 1447 pursuant to s. 171.093, or any interlocal service boundary
 1448 agreement as a result of annexation predating the merger, shall
 1449 be paid to the merged independent district after merger.

1450 (12)~~(l)~~ *Effect on millage calculations.*—The merged
 1451 independent special district is authorized to continue or
 1452 conclude procedures under chapter 200 on behalf of the component
 1453 independent special districts. The merged independent special
 1454 district shall make the calculations required by chapter 200 for
 1455 each component individual special district separately.

1456 (13)~~(m)~~ *Determination of rights.*—If any right, title,
 1457 interest, or claim arises out of a merger or by reason thereof
 1458 which is not determinable by reference to this subsection, the
 1459 joint merger plan or elector-initiated merger plan, as
 1460 appropriate, or otherwise under the laws of this state, the
 1461 governing body of the merged independent district may provide
 1462 therefor in a manner conforming to law.

1463 (14)~~(n)~~ *Exemption.*—This section ~~subsection~~ does not apply
 1464 to independent special districts whose governing bodies are

1465 | elected by district landowners voting the acreage owned within
 1466 | the district.

1467 | (15)~~(e)~~ *Preemption.*—This section ~~subsection~~ preempts any
 1468 | special act to the contrary.

1469 | Section 22. Subsection (6) of section 189.4042, Florida
 1470 | Statutes, is transferred, renumbered as section 189.075, Florida
 1471 | Statutes, and amended to read:

1472 | 189.075 ~~189.4042~~ Involuntary merger of independent special
 1473 | districts ~~Merger and dissolution procedures.~~—

1474 | ~~(6) INVOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.~~—

1475 | (1)~~(a)~~ *Independent special districts created by special*
 1476 | *act.*—In order for the Legislature to merge an active independent
 1477 | special district or districts created and operating pursuant to
 1478 | a special act, the special act merging the active independent
 1479 | special district or districts must be approved at separate
 1480 | referenda of the impacted local governments by a majority of the
 1481 | resident electors or, for districts in which a majority of
 1482 | governing body ~~board~~ members are elected by landowners, a
 1483 | majority of the landowners voting in the same manner by which
 1484 | each independent special district's governing body is elected.
 1485 | The special act merging the districts must include a plan of
 1486 | merger that addresses transition issues such as the effective
 1487 | date of the merger, governance, administration, powers,
 1488 | pensions, and assumption of all assets and liabilities. If a
 1489 | local general-purpose government passes an ordinance or
 1490 | resolution in support of the merger of an active independent

1491 special district, the local general-purpose government must pay
 1492 any expenses associated with the referendum required under this
 1493 subsection ~~paragraph~~.

1494 (2) ~~(b)~~ *Independent special districts created by a county*
 1495 *or municipality.*—A county or municipality may merge an
 1496 independent special district created by the county or
 1497 municipality pursuant to a referendum or any other procedure by
 1498 which the independent special district was created. However, if
 1499 the independent special district has ad valorem taxation powers,
 1500 the same procedure required to grant the independent special
 1501 district ad valorem taxation powers is required to merge the
 1502 district. The political subdivisions proposing the involuntary
 1503 merger of an active independent special district must pay any
 1504 expenses associated with the referendum required under this
 1505 subsection ~~paragraph~~.

1506 (3) ~~(e)~~ *Inactive independent special districts.*—An
 1507 independent special district that meets any criteria for being
 1508 declared inactive, or that has already been declared inactive,
 1509 pursuant to s. 189.062 ~~189.4044~~ may be merged by special act
 1510 without a referendum.

1511 Section 23. Subsection (7) of section 189.4042, Florida
 1512 Statutes, is transferred and renumbered as section 189.0761,
 1513 Florida Statutes, and amended to read:

1514 189.0761 ~~189.4042~~ ~~Merger and dissolution procedures.~~—

1515 ~~(7)~~ Exemptions.—This part ~~section~~ does not apply to
 1516 community development districts implemented pursuant to chapter

1517 | 190 or to water management districts created and operated
 1518 | pursuant to chapter 373.

1519 | Section 24. Section 189.4044, Florida Statutes, is
 1520 | transferred and renumbered as section 189.062, Florida Statutes,
 1521 | subsections (1) and (3) of that section are amended, and
 1522 | subsections (5) and (6) are added to that section, to read:

1523 | 189.062 ~~189.4044~~ Special procedures for inactive
 1524 | districts.—

1525 | (1) The department shall declare inactive any special
 1526 | district in this state by documenting that:

1527 | (a) The special district meets one of the following
 1528 | criteria:

1529 | 1. The registered agent of the district, the chair of the
 1530 | governing body of the district, or the governing body of the
 1531 | appropriate local general-purpose government notifies the
 1532 | department in writing that the district has taken no action for
 1533 | 2 or more years;

1534 | 2. ~~Following an inquiry from the department,~~ The
 1535 | registered agent of the district, the chair of the governing
 1536 | body of the district, or the governing body of the appropriate
 1537 | local general-purpose government notifies the department in
 1538 | writing that the district has not had a governing body ~~board~~ or
 1539 | a sufficient number of governing body ~~board~~ members to
 1540 | constitute a quorum for 2 or more years;

1541 | 3. ~~or~~ The registered agent of the district, the chair of
 1542 | the governing body of the district, or the governing body of the

1543 appropriate local general-purpose government fails to respond to
 1544 an the department's inquiry by the department within 21 days;

1545 ~~4.3.~~ The department determines, pursuant to s. 189.067
 1546 ~~189.421~~, that the district has failed to file any of the reports
 1547 listed in s. 189.066 ~~189.419~~;

1548 ~~5.4.~~ The district has not had a registered office and
 1549 agent on file with the department for 1 or more years;~~or~~

1550 ~~6.5.~~ The governing body of a special district provides
 1551 documentation to the department that it has unanimously adopted
 1552 a resolution declaring the special district inactive. The
 1553 special district shall be responsible for payment of any
 1554 expenses associated with its dissolution. A special district
 1555 declared inactive pursuant to this subparagraph may be dissolved
 1556 without a referendum; or

1557 (b) The department, special district, or local general-
 1558 purpose government published a notice of proposed declaration of
 1559 inactive status in a newspaper of general circulation in the
 1560 county or municipality in which the territory of the special
 1561 district is located and sent a copy of such notice by certified
 1562 mail to the registered agent or chair of the governing body
 1563 ~~board~~, if any. Such notice must include the name of the special
 1564 district, the law under which it was organized and operating, a
 1565 general description of the territory included in the special
 1566 district, and a statement that any objections must be filed
 1567 pursuant to chapter 120 within 21 days after the publication
 1568 date; and

1569 (c) Twenty-one days have elapsed from the publication date
 1570 of the notice of proposed declaration of inactive status and no
 1571 administrative appeals were filed.

1572 (3) In the case of a district created by special act of
 1573 the Legislature, the department shall send a notice of
 1574 declaration of inactive status to the Speaker of the House of
 1575 Representatives and the President of the Senate, and the
 1576 standing committees of the Senate and the House of
 1577 Representatives charged with special district oversight as
 1578 determined by the presiding officers of each respective chamber
 1579 and the Legislative Auditing Committee. The notice of
 1580 declaration of inactive status shall reference each known
 1581 special act creating or amending the charter of any special
 1582 district declared to be inactive under this section. The
 1583 declaration of inactive status shall be sufficient notice as
 1584 required by s. 10, Art. III of the State Constitution to
 1585 authorize the Legislature to repeal any special laws so
 1586 reported. In the case of a district created by one or more local
 1587 general-purpose governments, the department shall send a notice
 1588 of declaration of inactive status to the chair of the governing
 1589 body of each local general-purpose government that created the
 1590 district. In the case of a district created by interlocal
 1591 agreement, the department shall send a notice of declaration of
 1592 inactive status to the chair of the governing body of each local
 1593 general-purpose government which entered into the interlocal
 1594 agreement.

1595 (5) A special district declared inactive under this
 1596 section may not collect taxes, fees, or assessments unless the
 1597 declaration is:

1598 (a) Withdrawn or revoked by the department; or

1599 (b) Invalidated in proceedings initiated by the special
 1600 district within 30 days after the date written notice of the
 1601 declaration was provided to the special district governing body
 1602 by physical or electronic delivery, receipt confirmed. The
 1603 special district governing body may initiate proceedings within
 1604 the period authorized in this paragraph by:

1605 1. Filing with the department a petition for an
 1606 administrative hearing pursuant to s. 120.569; or

1607 2. Filing an action for declaratory and injunctive relief
 1608 under chapter 86 in the circuit court of the judicial circuit in
 1609 which the majority of the area of the district is located.

1610 (c) If a timely challenge to the declaration is not
 1611 initiated by the special district governing body, or the
 1612 department prevails in a proceeding initiated under paragraph
 1613 (b), the department may enforce the prohibitions in this
 1614 subsection by filing a petition for enforcement with the circuit
 1615 court in and for Leon County. The petition may request
 1616 declaratory, injunctive, or other equitable relief, including
 1617 the appointment of a receiver, and any forfeiture or other
 1618 remedy provided by law.

1619 (d) The prevailing party shall be awarded costs of
 1620 litigation and reasonable attorney fees in any proceeding
 1621 brought under this subsection.

1622 Section 25. Section 189.4045, Florida Statutes, is
 1623 transferred and renumbered as section 189.076, Florida Statutes.

1624 Section 26. Section 189.4047, Florida Statutes, is
 1625 transferred and renumbered as section 189.021, Florida Statutes.

1626 Section 27. Subsections (1), (2), (3), (4), (6), and (7)
 1627 of section 189.405, Florida Statutes, are transferred and
 1628 renumbered as subsections (1) through (6) of section 189.04,
 1629 Florida Statutes, respectively, and present subsection (1),
 1630 paragraph (c) of present subsection (2), and present subsections
 1631 (3), (4), and (7) of that section are amended, to read:

1632 189.04 ~~189.405~~ Elections; general requirements and
 1633 procedures; ~~education programs.~~

1634 (1) If a dependent special district has an elected
 1635 governing body ~~board~~, elections shall be conducted by the
 1636 supervisor of elections of the county wherein the district is
 1637 located in accordance with the Florida Election Code, chapters
 1638 97-106.

1639 (2)

1640 (c) A candidate for a position on a governing body ~~board~~
 1641 of a single-county special district that has its elections
 1642 conducted by the supervisor of elections shall qualify for the
 1643 office with the county supervisor of elections in whose
 1644 jurisdiction the district is located. Elections for governing

1645 body ~~board~~ members elected by registered electors shall be
 1646 nonpartisan, except when partisan elections are specified by a
 1647 district's charter. Candidates shall qualify as directed by
 1648 chapter 99. The qualifying fee shall be remitted to the general
 1649 revenue fund of the qualifying officer to help defray the cost
 1650 of the election.

1651 (3) (a) If a multicounty special district has a popularly
 1652 elected governing body ~~board~~, elections for the purpose of
 1653 electing members to such governing body ~~board~~ shall conform to
 1654 the Florida Election Code, chapters 97-106.

1655 (b) With the exception of those districts conducting
 1656 elections on a one-acre/one-vote basis, qualifying for
 1657 multicounty special district governing body ~~board~~ positions
 1658 shall be coordinated by the Department of State. Elections for
 1659 governing body ~~board~~ members elected by registered electors
 1660 shall be nonpartisan, except when partisan elections are
 1661 specified by a district's charter. Candidates shall qualify as
 1662 directed by chapter 99. The qualifying fee shall be remitted to
 1663 the Department of State.

1664 (4) With the exception of elections of special district
 1665 governing body ~~board~~ members conducted on a one-acre/one-vote
 1666 basis, in any election conducted in a special district the
 1667 decision made by a majority of those voting shall prevail,
 1668 except as otherwise specified by law.

1669 ~~(6)(7)~~ Nothing in this act requires that a special
 1670 district governed by an appointed governing body ~~board~~ convert
 1671 to an elected governing body ~~board~~.

1672 Section 28. Subsection (5) of section 189.405, Florida
 1673 Statutes, is transferred, renumbered as section 189.063, Florida
 1674 Statutes, and amended to read:

1675 189.063 ~~189.405~~ Education programs for new members of
 1676 district governing bodies ~~Elections; general requirements and~~
 1677 ~~procedures; education programs.-~~

1678 ~~(1)(5)(a)~~ The department may provide, contract for, or
 1679 assist in conducting education programs, as its budget permits,
 1680 for all newly elected or appointed members of district governing
 1681 bodies ~~boards~~. The education programs shall include, but are not
 1682 limited to, courses on the code of ethics for public officers
 1683 and employees, public meetings and public records requirements,
 1684 public finance, and parliamentary procedure. ~~Course content may~~
 1685 ~~be offered by means of the following: videotapes, live seminars,~~
 1686 ~~workshops, conferences, teleconferences, computer-based~~
 1687 ~~training, multimedia presentations, or other available~~
 1688 ~~instructional methods.~~

1689 ~~(2)(b)~~ An individual district governing body ~~board~~, at its
 1690 discretion, may bear the costs associated with educating its
 1691 members. Governing body ~~Board~~ members of districts which have
 1692 qualified for a zero annual fee for the most recent invoicing
 1693 period pursuant to s. 189.018 ~~are 189.427 shall~~ not be required

1694 to pay a fee for any education program the department provides,
 1695 contracts for, or assists in conducting.

1696 Section 29. Section 189.4051, Florida Statutes, is
 1697 transferred, renumbered as section 189.041, Florida Statutes,
 1698 and amended to read:

1699 189.041 ~~189.4051~~ Elections; special requirements and
 1700 procedures for districts with governing bodies ~~boards~~ elected on
 1701 a one-acre/one-vote basis.—

1702 (1) DEFINITIONS.—As used in this section:

1703 (a) "Qualified elector" means any person at least 18 years
 1704 of age who is a citizen of the United States, a permanent
 1705 resident of Florida, and a freeholder or freeholder's spouse and
 1706 resident of the district who registers with the supervisor of
 1707 elections of a county within which the district lands are
 1708 located when the registration books are open.

1709 (b) "Urban area" means a contiguous developed and
 1710 inhabited urban area within a district with a minimum average
 1711 resident population density of at least 1.5 persons per acre as
 1712 defined by the latest official census, special census, or
 1713 population estimate or a minimum density of one single-family
 1714 home per 2.5 acres with access to improved roads or a minimum
 1715 density of one single-family home per 5 acres within a recorded
 1716 plat subdivision. Urban areas shall be designated by the
 1717 governing body ~~board~~ of the district with the assistance of all
 1718 local general-purpose governments having jurisdiction over the
 1719 area within the district.

1720 (c) "Governing body ~~board~~ member" means any duly elected
 1721 member of the governing body ~~board~~ of a special district elected
 1722 pursuant to this section, provided that a ~~any board~~ member
 1723 elected by popular vote shall be a qualified district elector
 1724 and a ~~any board~~ member elected on a one-acre/one-vote basis
 1725 shall meet the requirements of s. 298.11 for election to the
 1726 governing body ~~board~~.

1727 (d) "Contiguous developed urban area" means any reasonably
 1728 compact urban area located entirely within a special district.
 1729 The separation of urban areas by a publicly owned park, right-
 1730 of-way, highway, road, railroad, canal, utility, body of water,
 1731 watercourse, or other minor geographical division of a similar
 1732 nature shall not prevent such areas from being defined as urban
 1733 areas.

1734 (2) POPULAR ELECTIONS; REFERENDUM; DESIGNATION OF URBAN
 1735 AREAS.—

1736 (a) *Referendum*.—

1737 1. A referendum shall be called by the governing body
 1738 ~~board~~ of a special district where the governing body ~~board~~ is
 1739 elected on a one-acre/one-vote basis on the question of whether
 1740 certain members of a district governing body ~~board~~ should be
 1741 elected by qualified electors, provided each of the following
 1742 conditions has been satisfied at least 60 days before ~~prior to~~
 1743 the general or special election at which the referendum is to be
 1744 held:

1745 a. The district shall have a total population, according
 1746 to the latest official state census, a special census, or a
 1747 population estimate, of at least 500 qualified electors.

1748 b. A petition signed by 10 percent of the qualified
 1749 electors of the district shall have been filed with the
 1750 governing body ~~board~~ of the district. The petition shall be
 1751 submitted to the supervisor of elections of the county or
 1752 counties in which the lands are located. The supervisor shall,
 1753 within 30 days after the receipt of the petitions, certify to
 1754 the governing body ~~board~~ the number of signatures of qualified
 1755 electors contained on the petition.

1756 2. Upon verification by the supervisor or supervisors of
 1757 elections of the county or counties within which district lands
 1758 are located that 10 percent of the qualified electors of the
 1759 district have petitioned the governing body ~~board~~, a referendum
 1760 election shall be called by the governing body ~~board~~ at the next
 1761 regularly scheduled election of governing body ~~board~~ members
 1762 occurring at least 30 days after verification of the petition or
 1763 within 6 months of verification, whichever is earlier.

1764 3. If the qualified electors approve the election
 1765 procedure described in this subsection, the governing body ~~board~~
 1766 of the district shall be increased to five members and elections
 1767 shall be held pursuant to the criteria described in this
 1768 subsection beginning with the next regularly scheduled election
 1769 of governing body ~~board~~ members or at a special election called
 1770 within 6 months following the referendum and final unappealed

1771 approval of district urban area maps as provided in paragraph
 1772 (b), whichever is earlier.

1773 4. If the qualified electors of the district disapprove
 1774 the election procedure described in this subsection, elections
 1775 of the members of the governing body ~~board~~ shall continue as
 1776 described by s. 298.12 or the enabling legislation for the
 1777 district. No further referendum on the question shall be held
 1778 for a minimum period of 2 years following the referendum.

1779 (b) *Designation of urban areas.*—

1780 1. Within 30 days after approval of the election process
 1781 described in this subsection by qualified electors of the
 1782 district, the governing body ~~board~~ shall direct the district
 1783 staff to prepare and present maps of the district describing the
 1784 extent and location of all urban areas within the district. Such
 1785 determination shall be based upon the criteria contained within
 1786 paragraph (1) (b).

1787 2. Within 60 days after approval of the election process
 1788 described in this subsection by qualified electors of the
 1789 district, the maps describing urban areas within the district
 1790 shall be presented to the governing body ~~board~~.

1791 3. Any district landowner or elector may contest the
 1792 accuracy of the urban area maps prepared by the district staff
 1793 within 30 days after submission to the governing body ~~board~~.
 1794 Upon notice of objection to the maps, the governing body ~~board~~
 1795 shall request the county engineer to prepare and present maps of
 1796 the district describing the extent and location of all urban

1797 areas within the district. Such determination shall be based
 1798 upon the criteria contained within paragraph (1)(b). Within 30
 1799 days after the governing body ~~board~~ request, the county engineer
 1800 shall present the maps to the governing body ~~board~~.

1801 4. Upon presentation of the maps by the county engineer,
 1802 the governing body ~~board~~ shall compare the maps submitted by
 1803 both the district staff and the county engineer and make a
 1804 determination as to which set of maps to adopt. Within 60 days
 1805 after presentation of all such maps, the governing body ~~board~~
 1806 may amend and shall adopt the official maps at a regularly
 1807 scheduled meeting of the governing body ~~board meeting~~.

1808 5. Any district landowner or qualified elector may contest
 1809 the accuracy of the urban area maps adopted by the governing
 1810 body ~~board~~ within 30 days after adoption by petition to the
 1811 circuit court with jurisdiction over the district. Accuracy
 1812 shall be determined pursuant to paragraph (1)(b). Any petitions
 1813 so filed shall be heard expeditiously, and the maps shall either
 1814 be approved or approved with necessary amendments to render the
 1815 maps accurate and shall be certified to the governing body
 1816 ~~board~~.

1817 6. Upon adoption by the governing body ~~board~~ or
 1818 certification by the court, the district urban area maps shall
 1819 serve as the official maps for determination of the extent of
 1820 urban area within the district and the number of governing body
 1821 ~~board~~ members to be elected by qualified electors and by the

1822 one-acre/one-vote principle at the next regularly scheduled
 1823 election of governing body ~~board~~ members.

1824 7. Upon a determination of the percentage of urban area
 1825 within the district as compared with total area within the
 1826 district, the governing body ~~board~~ shall order elections in
 1827 accordance with the percentages pursuant to paragraph (3) (a).
 1828 The landowners' meeting date shall be designated by the
 1829 governing body ~~board~~.

1830 8. The maps shall be updated and readopted every 5 years
 1831 or sooner in the discretion of the governing body ~~board~~.

1832 (3) GOVERNING BODY ~~BOARD~~.—

1833 (a) *Composition of board*.—

1834 1. Members of the governing body ~~board~~ of the district
 1835 shall be elected in accordance with the following determinations
 1836 of urban area:

1837 a. If urban areas constitute 25 percent or less of the
 1838 district, one governing body ~~board~~ member shall be elected by
 1839 the qualified electors and four governing body ~~board~~ members
 1840 shall be elected in accordance with the one-acre/one-vote
 1841 principle contained within s. 298.11 or the district-enabling
 1842 legislation.

1843 b. If urban areas constitute 26 percent to 50 percent of
 1844 the district, two governing body ~~board~~ members shall be elected
 1845 by the qualified electors and three governing body ~~board~~ members
 1846 shall be elected in accordance with the one-acre/one-vote

1847 principle contained within s. 298.11 or the district-enabling
 1848 legislation.

1849 c. If urban areas constitute 51 percent to 70 percent of
 1850 the district, three governing body ~~board~~ members shall be
 1851 elected by the qualified electors and two governing body ~~board~~
 1852 members shall be elected in accordance with the one-acre/one-
 1853 vote principle contained within s. 298.11 or the district-
 1854 enabling legislation.

1855 d. If urban areas constitute 71 percent to 90 percent of
 1856 the district, four governing body ~~board~~ members shall be elected
 1857 by the qualified electors and one governing body ~~board~~ member
 1858 shall be elected in accordance with the one-acre/one-vote
 1859 principle contained within s. 298.11 or the district-enabling
 1860 legislation.

1861 e. If urban areas constitute 91 percent or more of the
 1862 district, all governing body ~~board~~ members shall be elected by
 1863 the qualified electors.

1864 2. All governing body ~~board~~ members elected by qualified
 1865 electors shall be elected at large.

1866 (b) *Term of office.*—All governing body ~~board~~ members
 1867 elected by qualified electors shall have a term of 4 years
 1868 except for governing body ~~board~~ members elected at the first
 1869 election and the first landowners' meeting following the
 1870 referendum prescribed in paragraph (2) (a). Governing body ~~board~~
 1871 members elected at the first election and the first landowners'
 1872 meeting following the referendum shall serve as follows:

1873 1. If one governing body ~~board~~ member is elected by the
 1874 qualified electors and four are elected on a one-acre/one-vote
 1875 basis, the governing body ~~board~~ member elected by the qualified
 1876 electors shall be elected for a period of 4 years. Governing
 1877 body ~~board~~ members elected on a one-acre/one-vote basis shall be
 1878 elected for periods of 1, 2, 3, and 4 years, respectively, as
 1879 prescribed by ss. 298.11 and 298.12.

1880 2. If two governing body ~~board~~ members are elected by the
 1881 qualified electors and three are elected on a one-acre/one-vote
 1882 basis, the governing body ~~board~~ members elected by the electors
 1883 shall be elected for a period of 4 years. Governing body ~~board~~
 1884 members elected on a one-acre/one-vote basis shall be elected
 1885 for periods of 1, 2, and 3 years, respectively, as prescribed by
 1886 ss. 298.11 and 298.12.

1887 3. If three governing body ~~board~~ members are elected by
 1888 the qualified electors and two are elected on a one-acre/one-
 1889 vote basis, two of the governing body ~~board~~ members elected by
 1890 the electors shall be elected for a term of 4 years and the
 1891 other governing body ~~board~~ member elected by the electors shall
 1892 be elected for a term of 2 years. Governing body ~~board~~ members
 1893 elected on a one-acre/one-vote basis shall be elected for terms
 1894 of 1 and 2 years, respectively, as prescribed by ss. 298.11 and
 1895 298.12.

1896 4. If four governing body ~~board~~ members are elected by the
 1897 qualified electors and one is elected on a one-acre/one-vote
 1898 basis, two of the governing body ~~board~~ members elected by the

1899 electors shall be elected for a term of 2 years and the other
 1900 two for a term of 4 years. The governing body ~~board~~ member
 1901 elected on a one-acre/one-vote basis shall be elected for a term
 1902 of 1 year as prescribed by ss. 298.11 and 298.12.

1903 5. If five governing body ~~board~~ members are elected by the
 1904 qualified electors, three shall be elected for a term of 4 years
 1905 and two for a term of 2 years.

1906 6. If any vacancy occurs in a seat occupied by a governing
 1907 body ~~board~~ member elected by the qualified electors, the
 1908 remaining members of the governing body ~~board~~ shall, within 45
 1909 days after the vacancy occurs, appoint a person who would be
 1910 eligible to hold the office to the unexpired term.

1911 (c) *Landowners' meetings.*—

1912 1. An annual landowners' meeting shall be held pursuant to
 1913 s. 298.11 and at least one governing body ~~board~~ member shall be
 1914 elected on a one-acre/one-vote basis pursuant to s. 298.12 for
 1915 so long as 10 percent or more of the district is not contained
 1916 in an urban area. In the event all district governing body ~~board~~
 1917 members are elected by qualified electors, there shall be no
 1918 further landowners' meetings.

1919 2. At any landowners' meeting called pursuant to this
 1920 section, 50 percent of the district acreage shall not be
 1921 required to constitute a quorum and each governing body ~~board~~
 1922 member shall be elected by a majority of the acreage represented
 1923 either by owner or proxy present and voting at said meeting.

1924 3. All landowners' meetings of districts operating
 1925 pursuant to this section shall be set by the governing body
 1926 ~~board~~ within the month preceding the month of the election of
 1927 the governing body ~~board~~ members by the electors.

1928 4. Vacancies on the governing body ~~board~~ shall be filled
 1929 pursuant to s. 298.12 except as otherwise provided in
 1930 subparagraph (b)6.

1931 (4) QUALIFICATIONS.—Elections for governing body ~~board~~
 1932 members elected by qualified electors shall be nonpartisan.
 1933 Qualifications shall be pursuant to the Florida Election Code
 1934 and shall occur during the qualifying period established by s.
 1935 99.061. Qualification requirements shall only apply to those
 1936 governing body ~~board~~ member candidates elected by qualified
 1937 electors. Following the first election pursuant to this section,
 1938 elections to the governing body ~~board~~ by qualified electors
 1939 shall occur at the next regularly scheduled election closest in
 1940 time to the expiration date of the term of the elected governing
 1941 body ~~board~~ member. If the next regularly scheduled election is
 1942 beyond the normal expiration time for the term of an elected
 1943 governing body ~~board~~ member, the governing body ~~board~~ member
 1944 shall hold office until the election of a successor.

1945 (5) Those districts established as single-purpose water
 1946 control districts, and which continue to act as single-purpose
 1947 water control districts, pursuant to chapter 298, pursuant to a
 1948 special act, pursuant to a local government ordinance, or
 1949 pursuant to a judicial decree, shall be exempt from the

1950 provisions of this section. All other independent special
 1951 districts with governing bodies ~~boards~~ elected on a one-
 1952 acre/one-vote basis shall be subject to the provisions of this
 1953 section.

1954 (6) The provisions of this section shall not apply to
 1955 community development districts established pursuant to chapter
 1956 190.

1957 Section 30. Section 189.4065, Florida Statutes, is
 1958 transferred and renumbered as section 189.05, Florida Statutes.

1959 Section 31. Section 189.408, Florida Statutes, is
 1960 transferred and renumbered as section 189.042, Florida Statutes.

1961 Section 32. Section 189.4085, Florida Statutes, is
 1962 transferred and renumbered as section 189.051, Florida Statutes.

1963 Section 33. Section 189.412, Florida Statutes, is
 1964 transferred and renumbered as section 189.064, Florida Statutes,
 1965 and amended to read:

1966 189.064 ~~189.412~~ Special District Accountability
 1967 ~~Information~~ Program; duties and responsibilities.—The Special
 1968 District Accountability Information Program of the department ~~of~~
 1969 ~~Economic Opportunity~~ is created and has the following special
 1970 duties:

1971 (1) Electronically publishing ~~The collection and~~
 1972 ~~maintenance of~~ special district noncompliance status reports
 1973 from the department ~~of Management Services~~, the Department of
 1974 Financial Services, the Division of Bond Finance of the State
 1975 Board of Administration, the Auditor General, and the

1976 Legislative Auditing Committee, for the reporting required in
 1977 ss. 112.63, 218.32, 218.38, and 218.39. The noncompliance
 1978 reports must list those special districts that did not comply
 1979 with the statutory reporting requirements and be made available
 1980 to the public electronically.

1981 (2) Maintaining the official list of special districts ~~The~~
 1982 ~~maintenance of a master list of independent and dependent~~
 1983 ~~special districts which shall be available on the department's~~
 1984 ~~website.~~

1985 (3) ~~The~~ Publishing and updating of a "Florida Special
 1986 District Handbook" that contains, at a minimum:

1987 (a) A section that specifies definitions of special
 1988 districts and status distinctions in the statutes.

1989 (b) A section or sections that specify current statutory
 1990 provisions for special district creation, implementation,
 1991 modification, dissolution, and operating procedures.

1992 (c) A section that summarizes the reporting requirements
 1993 applicable to all types of special districts as provided in ss.
 1994 189.015 and 189.016 ~~189.417 and 189.418.~~

1995 ~~(4) When feasible, securing and maintaining access to~~
 1996 ~~special district information collected by all state agencies in~~
 1997 ~~existing or newly created state computer systems.~~

1998 ~~(4)(5) Coordinating and communicating~~ The facilitation of
 1999 ~~coordination and communication~~ among state agencies regarding
 2000 special districts ~~district information.~~

2001 ~~(6) The conduct of studies relevant to special districts.~~

2002 ~~(5)-(7)~~ Providing technical advisory ~~The provision of~~
 2003 assistance ~~related to~~ special districts regarding the ~~and~~
 2004 ~~appropriate in the performance of~~ requirements specified in this
 2005 chapter which may be performed by the department or by a
 2006 qualified third-party vendor pursuant to a contract entered into
 2007 in accordance with applicable bidding requirements, ~~including~~
 2008 ~~assisting with an annual conference sponsored by the Florida~~
 2009 ~~Association of Special Districts or its successor.~~

2010 ~~(6)-(8)~~ Providing assistance to local general-purpose
 2011 governments and ~~certain~~ state agencies in collecting delinquent
 2012 reports or information.7

2013 (7) Helping special districts comply with reporting
 2014 requirements.7

2015 (8) Declaring special districts inactive when ~~appropriate,~~
 2016 ~~and, when~~ directed by the Legislative Auditing Committee or
 2017 required by this chapter.7

2018 (9) Initiating enforcement proceedings ~~provisions~~ as
 2019 provided in ss. 189.062, 189.066, and 189.067 ~~189.4044, 189.419,~~
 2020 ~~and 189.421.~~

2021 Section 34. Section 189.413, Florida Statutes, is
 2022 transferred and renumbered as section 189.065, Florida Statutes,
 2023 and amended to read:

2024 189.065 ~~189.413~~ Special districts; oversight of state
 2025 funds use.—Any state agency administering funding programs for
 2026 which special districts are eligible shall be responsible for

2027 oversight of the use of such funds by special districts. The
 2028 oversight responsibilities shall include, but not be limited to:

2029 (1) Reporting the existence of the program to the Special
 2030 District Accountability Information ~~Information~~ Program of the department.

2031 (2) Submitting annually a list of special districts
 2032 participating in a state funding program to the Special District
 2033 Accountability Information ~~Information~~ Program of the department. This list
 2034 must indicate the special districts, if any, that are not in
 2035 compliance with state funding program requirements.

2036 Section 35. Section 189.415, Florida Statutes, is
 2037 transferred and renumbered as section 189.08, Florida Statutes.

2038 Section 36. Section 189.4155, Florida Statutes, is
 2039 transferred and renumbered as section 189.081, Florida Statutes.

2040 Section 37. Section 189.4156, Florida Statutes, is
 2041 transferred and renumbered as section 189.082, Florida Statutes.

2042 Section 38. Section 189.416, Florida Statutes, is
 2043 transferred and renumbered as section 189.014, Florida Statutes,
 2044 and subsection (1) of that section is amended, to read:

2045 189.014 ~~189.416~~ Designation of registered office and
 2046 agent.—

2047 (1) Within 30 days after the first meeting of its
 2048 governing body ~~board~~, each special district in the state shall
 2049 designate a registered office and a registered agent and file
 2050 such information with the local governing authority or
 2051 authorities and with the department. The registered agent shall
 2052 be an agent of the district upon whom any process, notice, or

2053 demand required or permitted by law to be served upon the
 2054 district may be served. A registered agent shall be an
 2055 individual resident of this state whose business address is
 2056 identical with the registered office of the district. The
 2057 registered office may be, but need not be, the same as the place
 2058 of business of the special district.

2059 Section 39. Section 189.417, Florida Statutes, is
 2060 transferred and renumbered as section 189.015, Florida Statutes,
 2061 and subsection (1) of that section is amended, to read:

2062 189.015 ~~189.417~~ Meetings; notice; required reports.—

2063 (1) The governing body of each special district shall file
 2064 quarterly, semiannually, or annually a schedule of its regular
 2065 meetings with the local governing authority or authorities. The
 2066 schedule shall include the date, time, and location of each
 2067 scheduled meeting. The schedule shall be published quarterly,
 2068 semiannually, or annually in a newspaper of general paid
 2069 circulation in the manner required in this subsection. The
 2070 governing body of an independent special district shall
 2071 advertise the day, time, place, and purpose of any meeting other
 2072 than a regular meeting or any recessed and reconvened meeting of
 2073 the governing body, at least 7 days before ~~prior to~~ such
 2074 meeting, in a newspaper of general paid circulation in the
 2075 county or counties in which the special district is located,
 2076 unless a bona fide emergency situation exists, in which case a
 2077 meeting to deal with the emergency may be held as necessary,
 2078 with reasonable notice, so long as it is subsequently ratified

2079 by the governing body ~~board~~. No approval of the annual budget
 2080 shall be granted at an emergency meeting. The advertisement
 2081 shall be placed in that portion of the newspaper where legal
 2082 notices and classified advertisements appear. The advertisement
 2083 shall appear in a newspaper that is published at least 5 days a
 2084 week, unless the only newspaper in the county is published fewer
 2085 than 5 days a week. The newspaper selected must be one of
 2086 general interest and readership in the community and not one of
 2087 limited subject matter, pursuant to chapter 50. Any other
 2088 provision of law to the contrary notwithstanding, and except in
 2089 the case of emergency meetings, water management districts may
 2090 provide reasonable notice of public meetings held to evaluate
 2091 responses to solicitations issued by the water management
 2092 district, by publication in a newspaper of general paid
 2093 circulation in the county where the principal office of the
 2094 water management district is located, or in the county or
 2095 counties where the public work will be performed, no less than 7
 2096 days before such meeting.

2097 Section 40. Section 189.418, Florida Statutes, is
 2098 transferred and renumbered as section 189.016, Florida Statutes,
 2099 and subsections (2) and (10) of that section are amended, to
 2100 read:

2101 189.016 ~~189.418~~ Reports; budgets; audits.—

2102 (2) Any amendment, modification, or update of the document
 2103 by which the district was created, including changes in
 2104 boundaries, must be filed with the department within 30 days

2105 after adoption. The department may initiate proceedings against
 2106 special districts as provided in s. 189.067 ~~189.421~~ for failure
 2107 to file the information required by this subsection. However,
 2108 for the purposes of this section and s. 175.101(1), the
 2109 boundaries of a district shall be deemed to include an area that
 2110 has been annexed until the completion of the 4-year period
 2111 specified in s. 171.093(4) or other mutually agreed upon
 2112 extension, or when a district is providing services pursuant to
 2113 an interlocal agreement entered into pursuant to s. 171.093(3).

2114 (10) All reports or information required to be filed with
 2115 a local general-purpose government or governing authority under
 2116 ss. 189.08, 189.014, and 189.015 ~~189.415, 189.416, and 189.417~~
 2117 and subsection (8) must:

2118 (a) If the local general-purpose government or governing
 2119 authority is a county, be filed with the clerk of the board of
 2120 county commissioners.

2121 (b) If the district is a multicounty district, be filed
 2122 with the clerk of the county commission in each county.

2123 (c) If the local general-purpose government or governing
 2124 authority is a municipality, be filed at the place designated by
 2125 the municipal governing body.

2126 Section 41. Section 189.419, Florida Statutes, is
 2127 transferred, renumbered as section 189.066, Florida Statutes,
 2128 and amended to read:

2129 189.066 ~~189.419~~ Effect of failure to file certain reports
 2130 or information.—

2131 (1) If an independent special district fails to file the
 2132 reports or information required under s. 189.08, s. 189.014, s.
 2133 189.015, or s. 189.016(9) ~~189.415, s. 189.416, s. 189.417, or s.~~
 2134 ~~189.418(9)~~ with the local general-purpose government or
 2135 governments in which it is located, the person authorized to
 2136 receive and read the reports or information or the local
 2137 general-purpose government shall notify the district's
 2138 registered agent. If requested by the district, the local
 2139 general-purpose government shall grant an extension of up to 30
 2140 days for filing the required reports or information. If the
 2141 governing body of the local general-purpose government or
 2142 governments determines that there has been an unjustified
 2143 failure to file these reports or information, it shall ~~may~~
 2144 notify the department, and the department may proceed pursuant
 2145 to s. 189.067(1) ~~189.421(1)~~.

2146 (2) If a dependent special district fails to file the
 2147 reports or information required under s. 189.014, s. 189.015, or
 2148 s. 189.016(9) ~~189.416, s. 189.417, or s. 189.418(9)~~ with the
 2149 local governing authority to which it is dependent, the local
 2150 governing authority shall take whatever steps it deems necessary
 2151 to enforce the special district's accountability. Such steps may
 2152 include, as authorized, withholding funds, removing governing
 2153 body ~~board~~ members at will, vetoing the special district's
 2154 budget, conducting the oversight review process set forth in s.
 2155 189.068 ~~189.428~~, or amending, merging, or dissolving the special

2156 district in accordance with the provisions contained in the
 2157 ordinance that created the dependent special district.

2158 (3) If a special district fails to file the reports or
 2159 information required under s. 218.38 with the appropriate state
 2160 agency, the agency shall notify the department, and the
 2161 department shall send a certified technical assistance letter to
 2162 the special district which summarizes the requirements and
 2163 compels ~~encourages~~ the special district to take steps to prevent
 2164 the noncompliance from reoccurring.

2165 (4) If a special district fails to file the reports or
 2166 information required under s. 112.63 with the appropriate state
 2167 agency, the agency shall notify the department and the
 2168 department shall proceed pursuant to s. 189.067(1) ~~189.421(1)~~.

2169 (5) If a special district fails to file the reports or
 2170 information required under s. 218.32 or s. 218.39 with the
 2171 appropriate state agency or office, the state agency or office
 2172 shall, and the Legislative Auditing Committee may, notify the
 2173 department and the department shall proceed pursuant to s.
 2174 189.067 ~~189.421~~.

2175 (6) If a special district created by special act of the
 2176 Legislature fails to file the reports or information required
 2177 under s. 218.32 or s. 218.39 with the appropriate state agency
 2178 or office, the Legislative Auditing Committee shall notify the
 2179 Speaker of the House of Representatives and the President of the
 2180 Senate, and the standing committees of the Senate and the House
 2181 of Representatives charged with special district oversight as

2182 determined by the presiding officers of each respective chamber
 2183 in writing, pursuant to s. 189.034.

2184 (7) If a special district created by ordinance fails to
 2185 file the reports or information required under s. 218.32 or
 2186 218.39 with the appropriate state agency or office, the
 2187 Legislative Auditing Committee shall notify the department and
 2188 the chair or equivalent of the local general-purpose government
 2189 that created the district, in writing, pursuant to s. 189.035.

2190 Section 42. Section 189.420, Florida Statutes, is
 2191 transferred and renumbered as section 189.052, Florida Statutes.

2192 Section 43. Section 189.421, Florida Statutes, is
 2193 transferred, renumbered as section 189.067, Florida Statutes,
 2194 and amended to read:

2195 189.067 ~~189.421~~ Failure of district to disclose financial
 2196 reports.—

2197 (1) (a) If notified pursuant to s. 189.066(1) ~~189.419(1)~~,
 2198 (4), or (5), the department shall attempt to assist a special
 2199 district in complying with its financial reporting requirements
 2200 by sending a certified letter to the special district, and, if
 2201 the special district is dependent, sending a copy of that letter
 2202 to the chair of the local governing authority. The letter must
 2203 include a description of the required report, including
 2204 statutory submission deadlines, a contact telephone number for
 2205 technical assistance to help the special district comply, a 60-
 2206 day deadline for filing the required report with the appropriate

2207 entity, the address where the report must be filed, and an
 2208 explanation of the penalties for noncompliance.

2209 (b) A special district that is unable to meet the 60-day
 2210 reporting deadline must provide written notice to the department
 2211 before the expiration of the deadline stating the reason the
 2212 special district is unable to comply with the deadline, the
 2213 steps the special district is taking to prevent the
 2214 noncompliance from reoccurring, and the estimated date that the
 2215 special district will file the report with the appropriate
 2216 agency. The district's written response does not constitute an
 2217 extension by the department; however, the department shall
 2218 forward the written response as follows ~~to~~:

2219 1. If the written response refers to the reports required
 2220 under s. 218.32 or s. 218.39, to the Legislative Auditing
 2221 Committee for its consideration in determining whether the
 2222 special district should be subject to further state action in
 2223 accordance with s. 11.40(2)(b).

2224 2. If the written response refers to the reports or
 2225 information requirements listed in s. 189.066(1) ~~189.419(1)~~, to
 2226 the local general-purpose government or governments for their
 2227 consideration in determining whether the oversight review
 2228 process set forth in s. 189.068 ~~189.428~~ should be undertaken.

2229 3. If the written response refers to the reports or
 2230 information required under s. 112.63, to the Department of
 2231 Management Services for its consideration in determining whether

2232 the special district should be subject to further state action
 2233 in accordance with s. 112.63(4)(d)2.

2234 (2) Failure of a special district to comply with the
 2235 actuarial and financial reporting requirements under s. 112.63,
 2236 s. 218.32, or s. 218.39 after the procedures of subsection (1)
 2237 are exhausted shall be deemed final action of the special
 2238 district. The actuarial and financial reporting requirements are
 2239 declared to be essential requirements of law. ~~Remedies~~ Remedy
 2240 for noncompliance shall be as provided in ss. 189.034 and s.
 2241 189.035 ~~by writ of certiorari as set forth in subsection (4).~~

2242 (3) Pursuant to s. 11.40(2)(b), the Legislative Auditing
 2243 Committee may ~~shall~~ notify the department of those districts
 2244 that fail to file the required reports. If the procedures
 2245 described in subsection (1) have not yet been initiated, the
 2246 department shall initiate such procedures upon receiving the
 2247 notice from the Legislative Auditing Committee. Otherwise,
 2248 within 60 days after receiving such notice, or within 60 days
 2249 after the expiration of the 60-day deadline provided in
 2250 subsection (1), whichever occurs later, the department,
 2251 notwithstanding the provisions of chapter 120, shall file a
 2252 petition for enforcement ~~writ of certiorari~~ with the circuit
 2253 court. The petition may request declaratory, injunctive, any
 2254 other equitable relief, or any remedy provided by law. Venue for
 2255 all actions pursuant to this subsection is in Leon County. The
 2256 court shall award the prevailing party reasonable attorney's
 2257 fees and costs unless affirmatively waived by all parties. A

2258 ~~writ of certiorari shall be issued unless a respondent~~
 2259 ~~establishes that the notification of the Legislative Auditing~~
 2260 ~~Committee was issued as a result of material error. Proceedings~~
 2261 ~~under this subsection are otherwise governed by the Rules of~~
 2262 ~~Appellate Procedure.~~

2263 ~~(4) Pursuant to s. 112.63(4)(d)2., the Department of~~
 2264 ~~Management Services may notify the department of those special~~
 2265 ~~districts that have failed to file the required adjustments,~~
 2266 ~~additional information, or report or statement after the~~
 2267 ~~procedures of subsection (1) have been exhausted. Within 60 days~~
 2268 ~~after receiving such notice or within 60 days after the 60-day~~
 2269 ~~deadline provided in subsection (1), whichever occurs later, the~~
 2270 ~~department, notwithstanding chapter 120, shall file a petition~~
 2271 ~~for writ of certiorari with the circuit court. Venue for all~~
 2272 ~~actions pursuant to this subsection is in Leon County. The court~~
 2273 ~~shall award the prevailing party attorney's fees and costs~~
 2274 ~~unless affirmatively waived by all parties. A writ of certiorari~~
 2275 ~~shall be issued unless a respondent establishes that the~~
 2276 ~~notification of the Department of Management Services was issued~~
 2277 ~~as a result of material error. Proceedings under this subsection~~
 2278 ~~are otherwise governed by the Rules of Appellate Procedure.~~

2279 Section 44. Section 189.4221, Florida Statutes, is
 2280 transferred and renumbered as section 189.053, Florida Statutes.

2281 Section 45. Section 189.423, Florida Statutes, is
 2282 transferred and renumbered as section 189.054, Florida Statutes.

2283 Section 46. Section 189.425, Florida Statutes, is
 2284 transferred and renumbered as section 189.017, Florida Statutes.

2285 Section 47. Section 189.427, Florida Statutes, is
 2286 transferred and renumbered as section 189.018, Florida Statutes,
 2287 and amended to read:

2288 189.018 ~~189.427~~ Fee schedule; Operating Grants and
 2289 ~~Donations~~ Trust Fund.—The department ~~of Economic Opportunity~~, by
 2290 rule, shall establish a schedule of fees to pay one-half of the
 2291 costs incurred by the department in administering this act,
 2292 except that the fee may not exceed \$175 per district per year.
 2293 The fees collected under this section shall be deposited in the
 2294 Operating Grants and Donations Trust Fund, ~~which shall be~~
 2295 administered by the department ~~of Economic Opportunity~~. Any fee
 2296 rule must consider factors such as the dependent and independent
 2297 status of the district and district revenues for the most recent
 2298 fiscal year as reported to the Department of Financial Services.
 2299 The department may assess fines of not more than \$25, with an
 2300 aggregate total not to exceed \$50, as penalties against special
 2301 districts that fail to remit required fees to the department. It
 2302 is the intent of the Legislature that general revenue funds will
 2303 be made available to the department to pay one-half of the cost
 2304 of administering this act.

2305 Section 48. Section 189.428, Florida Statutes, is
 2306 transferred and renumbered as section 189.068, Florida Statutes,
 2307 and amended, to read:

2308 189.068 ~~189.428~~ Special districts; oversight review
 2309 process.-

2310 (1) The Legislature finds it to be in the public interest
 2311 to establish an oversight review process for special districts
 2312 wherein each special district in the state may be reviewed by
 2313 the local general-purpose government in which the district
 2314 exists. The Legislature further finds and determines that such
 2315 law fulfills an important state interest. It is the intent of
 2316 the Legislature that the oversight review process shall
 2317 contribute to informed decisionmaking. These decisions may
 2318 involve the continuing existence or dissolution of a district,
 2319 the appropriate future role and focus of a district,
 2320 improvements in the functioning or delivery of services by a
 2321 district, and the need for any transition, adjustment, or
 2322 special implementation periods or provisions. Any final
 2323 recommendations from the oversight review process that are
 2324 adopted and implemented by the appropriate level of government
 2325 shall not be implemented in a manner that would impair the
 2326 obligation of contracts.

2327 ~~(2) It is the intent of the Legislature that any oversight~~
 2328 ~~review process be conducted in conjunction with special district~~
 2329 ~~public facilities reporting and the local government evaluation~~
 2330 ~~and appraisal report process described in s. 189.415(2).~~

2331 ~~(3) The order in which Special districts may be subject to~~
 2332 ~~oversight review shall be determined by the reviewer and shall~~
 2333 ~~occur as follows:~~

2334 (2)(a) All dependent special districts may be reviewed by
 2335 the general-purpose local government to which they are
 2336 dependent.

2337 ~~(b) All single-county independent special districts may be~~
 2338 ~~reviewed by a county or municipality in which they are located~~
 2339 ~~or the government that created the district. Any single-county~~
 2340 ~~independent district that serves an area greater than the~~
 2341 ~~boundaries of one general-purpose local government may only be~~
 2342 ~~reviewed by the county on the county's own initiative or upon~~
 2343 ~~receipt of a request from any municipality served by the special~~
 2344 ~~district.~~

2345 ~~(c) All multicounty independent special districts may be~~
 2346 ~~reviewed by the government that created the district. Any~~
 2347 ~~general-purpose local governments within the boundaries of a~~
 2348 ~~multicounty district may prepare a preliminary review of a~~
 2349 ~~multicounty special district for possible reference or inclusion~~
 2350 ~~in the full review report.~~

2351 ~~(d) Upon request by the reviewer, any special district~~
 2352 ~~within all or a portion of the same county as the special~~
 2353 ~~district being reviewed may prepare a preliminary review of the~~
 2354 ~~district for possible reference or inclusion in the full~~
 2355 ~~oversight review report.~~

2356 (3)(4) All special districts, governmental entities, and
 2357 state agencies shall cooperate with the Legislature and with any
 2358 general-purpose local government seeking information or

2359 assistance with the oversight review process and with the
 2360 preparation of an oversight review report.

2361 (4)~~(5)~~ Those conducting the oversight review process
 2362 shall, at a minimum, consider the listed criteria for evaluating
 2363 the special district, but may also consider any additional
 2364 factors relating to the district and its performance. If any of
 2365 the listed criteria does not apply to the special district being
 2366 reviewed, it need not be considered. The criteria to be
 2367 considered by the reviewer include:

2368 (a) The degree to which the service or services offered by
 2369 the special district are essential or contribute to the well-
 2370 being of the community.

2371 (b) The extent of continuing need for the service or
 2372 services currently provided by the special district.

2373 (c) The extent of municipal annexation or incorporation
 2374 activity occurring or likely to occur within the boundaries of
 2375 the special district and its impact on the delivery of services
 2376 by the special district.

2377 (d) Whether there is a less costly alternative method of
 2378 delivering the service or services that would adequately provide
 2379 the district residents with the services provided by the
 2380 district.

2381 (e) Whether transfer of the responsibility for delivery of
 2382 the service or services to an entity other than the special
 2383 district being reviewed could be accomplished without

2384 | jeopardizing the district's existing contracts, bonds, or
 2385 | outstanding indebtedness.

2386 | (f) Whether the Auditor General has notified the
 2387 | Legislative Auditing Committee that the special district's audit
 2388 | report, reviewed pursuant to s. 11.45(7), indicates that the
 2389 | district has met any of the conditions specified in s.
 2390 | 218.503(1) or that a deteriorating financial condition exists
 2391 | that may cause a condition described in s. 218.503(1) to occur
 2392 | if actions are not taken to address such condition.

2393 | (g) Whether the district is inactive according to the
 2394 | official list of special districts, and whether the district is
 2395 | meeting and discharging its responsibilities as required by its
 2396 | charter, as well as projected increases or decreases in district
 2397 | activity.

2398 | (h) Whether the special district has failed to comply with
 2399 | any of the reporting requirements in this chapter, including
 2400 | preparation of the public facilities report.

2401 | (i) Whether the special district has designated a
 2402 | registered office and agent as required by s. 189.014 ~~189.416~~,
 2403 | and has complied with all open public records and meeting
 2404 | requirements.

2405 | ~~(6) Any special district may at any time provide the~~
 2406 | ~~Legislature and the general-purpose local government conducting~~
 2407 | ~~the review or making decisions based upon the final oversight~~
 2408 | ~~review report with written responses to any questions, concerns,~~

2409 ~~preliminary reports, draft reports, or final reports relating to~~
 2410 ~~the district.~~

2411 ~~(7) The final report of a reviewing government shall be~~
 2412 ~~filed with the government that created the district and shall~~
 2413 ~~serve as the basis for any modification to the district charter~~
 2414 ~~or dissolution or merger of the district.~~

2415 ~~(8) If legislative dissolution or merger of a district is~~
 2416 ~~proposed in the final report, the reviewing government shall~~
 2417 ~~also propose a plan for the merger or dissolution, and the plan~~
 2418 ~~shall address the following factors in evaluating the proposed~~
 2419 ~~merger or dissolution:~~

2420 ~~(a) Whether, in light of independent fiscal analysis,~~
 2421 ~~level-of-service implications, and other public policy~~
 2422 ~~considerations, the proposed merger or dissolution is the best~~
 2423 ~~alternative for delivering services and facilities to the~~
 2424 ~~affected area.~~

2425 ~~(b) Whether the services and facilities to be provided~~
 2426 ~~pursuant to the merger or dissolution will be compatible with~~
 2427 ~~the capacity and uses of existing local services and facilities.~~

2428 ~~(c) Whether the merger or dissolution is consistent with~~
 2429 ~~applicable provisions of the state comprehensive plan, the~~
 2430 ~~strategic regional policy plan, and the local government~~
 2431 ~~comprehensive plans of the affected area.~~

2432 ~~(d) Whether the proposed merger adequately provides for~~
 2433 ~~the assumption of all indebtedness.~~

2434

2435 ~~The reviewing government shall consider the report in a public~~
 2436 ~~hearing held within the jurisdiction of the district. If adopted~~
 2437 ~~by the governing board of the reviewing government, the request~~
 2438 ~~for legislative merger or dissolution of the district may~~
 2439 ~~proceed. The adopted plan shall be filed as an attachment to the~~
 2440 ~~economic impact statement regarding the proposed special act or~~
 2441 ~~general act of local application dissolving a district.~~

2442 ~~(9) This section does not apply to a deepwater port listed~~
 2443 ~~in s. 311.09(1) which is in compliance with a port master plan~~
 2444 ~~adopted pursuant to s. 163.3178(2)(k), or to an airport~~
 2445 ~~authority operating in compliance with an airport master plan~~
 2446 ~~approved by the Federal Aviation Administration, or to any~~
 2447 ~~special district organized to operate health systems and~~
 2448 ~~facilities licensed under chapter 395, chapter 400, or chapter~~
 2449 ~~429.~~

2450 Section 49. Section 189.429, Florida Statutes, is
 2451 transferred and renumbered as section 189.019, Florida Statutes,
 2452 and subsection (1) of that section is amended, to read:

2453 189.019 ~~189.429~~ Codification.—

2454 (1) Each district, by December 1, 2004, shall submit to
 2455 the Legislature a draft codified charter, at its expense, so
 2456 that its special acts may be codified into a single act for
 2457 reenactment by the Legislature, if there is more than one
 2458 special act for the district. The Legislature may adopt a
 2459 schedule for individual district codification. Any codified act
 2460 relating to a district, which act is submitted to the

2461 Legislature for reenactment, shall provide for the repeal of all
 2462 prior special acts of the Legislature relating to the district.
 2463 The codified act shall be filed with the department pursuant to
 2464 s. 189.016(2) ~~189.418(2)~~.

2465 Section 50. Sections 189.430, 189.431, 189.432, 189.433,
 2466 189.434, 189.435, 189.436, 189.437, 189.438, 189.439, 189.440,
 2467 189.441, 189.442, 189.443, and 189.444, Florida Statutes, are
 2468 repealed.

2469 Section 51. Section 189.034, Florida Statutes, is created
 2470 to read:

2471 189.034 Oversight of special districts created by special
 2472 act of the Legislature.-

2473 (1) This section applies to any special district created
 2474 by special act of the Legislature.

2475 (2) If a special district fails to file required reports
 2476 or requested information with the appropriate state agency
 2477 pursuant to ss. 11.45(7), 218.32, 218.39, and 218.503(3), with
 2478 the appropriate state agency or office, the Legislative Auditing
 2479 Committee or its designee shall provide written notice of the
 2480 district's noncompliance to the Speaker of the House of
 2481 Representatives, the President of the Senate, the standing
 2482 committees of the Senate and the House of Representatives
 2483 charged with special district oversight as determined by the
 2484 presiding officers of each respective chamber, and the
 2485 legislators who represent a portion of the geographical
 2486 jurisdiction of the special district.

2487 (3) The Legislative Auditing Committee may convene a
 2488 public hearing on the issue of noncompliance, as well as general
 2489 oversight of the district as provided in s. 189.068, at the
 2490 direction of the Speaker of the House of Representatives and the
 2491 President of the Senate.

2492 (4) Before the public hearing provided in subsection (3),
 2493 the special district shall provide the following information at
 2494 the request of the Legislative Auditing Committee:

2495 (a) The district's annual financial report for the prior
 2496 fiscal year.

2497 (b) The district's audit report for the previous fiscal
 2498 year.

2499 (c) An annual report for the previous fiscal year
 2500 providing a detailed review of the performance of the special
 2501 district, including the following information:

2502 1. The purpose of the special district.

2503 2. The sources of funding for the special district.

2504 3. A description of the major activities, programs, and
 2505 initiatives the special district has undertaken in the most
 2506 recently completed fiscal year and the benchmarks or criteria
 2507 under which the success or failure of the district was
 2508 determined by its governing body.

2509 4. Any challenges or obstacles faced by the special
 2510 district in fulfilling its purpose and related responsibilities.

2511 5. Ways the special district believes it could better
 2512 fulfill its purpose and related responsibilities and a

2513 description of the actions that it intends to take during the
 2514 ensuing fiscal year.

2515 6. Proposed changes to the special act that established
 2516 the special district and justification for such changes.

2517 7. Any other information reasonably required to provide
 2518 the Legislative Auditing Committee with an accurate
 2519 understanding of the purpose for which the special district
 2520 exists and how it is fulfilling its responsibilities to
 2521 accomplish that purpose.

2522 8. Any reasons for the district's noncompliance.

2523 9. If the district is currently in compliance and plans to
 2524 correct any recurring issues of noncompliance.

2525 10. Efforts to promote transparency, including maintenance
 2526 of the district's website in accordance with s. 189.069.

2527 Section 52. Section 189.035, Florida Statutes, is created
 2528 to read:

2529 189.035 Oversight of special districts created by local
 2530 ordinance.—

2531 (1) If a special district created by local ordinance fails
 2532 to file required reports or requested information under ss.
 2533 11.45(7), 218.32, 218.39, and 218.503(3), with the appropriate
 2534 state agency, the Legislative Auditing Committee or its designee
 2535 shall provide written notice of the district's noncompliance to
 2536 the chair or equivalent of the local general-purpose government.

2537 (2) The chair or equivalent of the local general-purpose
 2538 government may convene a public hearing on the issue of

2539 noncompliance within 6 months after receipt of notice of
 2540 noncompliance from the Legislative Auditing Committee.
 2541 (3) Before the public hearing regarding the special
 2542 district's noncompliance, the local general-purpose government
 2543 may request the following information from the special district:
 2544 (a) The district's annual financial report for the
 2545 previous fiscal year.
 2546 (b) The district's audit report for the previous fiscal
 2547 year.
 2548 (c) An annual report for the previous fiscal year, which
 2549 must provide a detailed review of the performance of the special
 2550 district and include the following information:
 2551 1. The purpose of the special district.
 2552 2. The sources of funding for the special district.
 2553 3. A description of the major activities, programs, and
 2554 initiatives the special district undertook in the most recently
 2555 completed fiscal year and the benchmarks or criteria under which
 2556 the success or failure of the district was determined by its
 2557 governing body.
 2558 4. Any challenges or obstacles faced by the special
 2559 district in fulfilling its purpose and related responsibilities.
 2560 5. Ways the special district believes it could better
 2561 fulfill its purpose and related responsibilities and a
 2562 description of the actions that it intends to take during the
 2563 ensuing fiscal year.

2564 6. Proposed changes to the ordinance that established the
 2565 special district and justification for such changes.

2566 7. Any other information reasonably required to provide
 2567 the reviewing entity with an accurate understanding of the
 2568 purpose for which the special district exists and how it is
 2569 fulfilling its responsibilities to accomplish that purpose.

2570 8. Any reasons for the district's noncompliance.

2571 9. Whether the district is currently in compliance.

2572 10. Plans to correct any recurring issues of
 2573 noncompliance.

2574 11. Efforts to promote transparency, including maintenance
 2575 of the district's website in accordance with s. 189.069.

2576 Section 53. Section 189.055, Florida Statutes, is created
 2577 to read:

2578 189.055 Treatment of special districts.—For the purpose of
 2579 s. 196.199(1), special districts shall be treated as
 2580 municipalities.

2581 Section 54. Section 189.069, Florida Statutes, is created
 2582 to read:

2583 189.069 Special districts; required reporting of
 2584 information; web-based public access.—

2585 (1) Beginning on July 1, 2015, each special district shall
 2586 maintain an official Internet website containing the information
 2587 required by this section in accordance with s. 189.016. Special
 2588 districts shall submit their official Internet website addresses
 2589 to the department.

2590 (a) Independent special districts shall maintain a
 2591 separate internet website.

2592 (b) Dependent special districts shall be preeminently
 2593 displayed on the home page of the Internet website of the
 2594 general-purpose government that created the special district
 2595 with a hyperlink to such webpages as are necessary to provide
 2596 the information required by this section. Dependent special
 2597 districts may maintain a separate Internet website providing the
 2598 information required by this section.

2599 (2) (a) A special district shall post the following
 2600 information, at a minimum, on the district's official website:

2601 1. The full legal name of the special district.
 2602 2. The public purpose of the special district.
 2603 3. The name, address, e-mail address, and, if applicable,
 2604 the term and appointing authority for each member of the
 2605 governing body of the special district.

2606 4. The fiscal year of the special district.
 2607 5. The full text of the special district's charter, the
 2608 date of establishment, the establishing entity, and the statute
 2609 or statutes under which the special district operates, if
 2610 different from the statute or statutes under which the special
 2611 district was established. Community development districts may
 2612 reference chapter 190, as the uniform charter, but must include
 2613 information relating to any grant of special powers.

2614 6. The mailing address, e-mail address, telephone number,
 2615 and Internet website uniform resource locator of the special
 2616 district.

2617 7. A description of the boundaries or service area of, and
 2618 the services provided by, the special district.

2619 8. A listing of all taxes, fees, or charges imposed and
 2620 collected by the special district, including the rates or
 2621 amounts charged for the fiscal year and the statutory authority
 2622 for the levy of the tax, fee, or charge.

2623 9. The primary contact information for the special
 2624 district for purposes of communication from the department.

2625 10. A code of ethics adopted by the special district, and
 2626 a hyperlink to generally applicable ethics provisions.

2627 11. The budget of each special district, in addition to
 2628 amendments in accordance with s. 189.418.

2629 12. The final, complete audit report for the most recent
 2630 completed fiscal year, and audit reports required by law or
 2631 authorized by the governing body of the special district.

2632 (b) The department's Internet website list of special
 2633 districts in the state required under s. 189.061 shall include a
 2634 link for each special district that provides web-based access to
 2635 the public for all information and documentation required for
 2636 submission to the department pursuant to subsection (1).

2637 Section 55. Section 189.0691, Florida Statutes, is created
 2638 to read:

2639 189.0691 Suspension of special district governing body
 2640 members.-If, after due notification of noncompliance pursuant to
 2641 this chapter and expiration of the time allowed for correction,
 2642 a special district continues to violate the requirements of this
 2643 chapter, the department shall report such violations, and
 2644 provide all appropriate proof of the violations, to the
 2645 Governor, who may take action against a governing body member of
 2646 the special district as authorized in s. 112.511; however, the
 2647 Governor and appointing authority shall ensure that the
 2648 governing body maintains a sufficient number of members to
 2649 constitute a quorum.

2650 Section 56. Paragraph (e) of subsection (1) and paragraph
 2651 (c) of subsection (7) of section 11.45, Florida Statutes, are
 2652 amended to read:

2653 11.45 Definitions; duties; authorities; reports; rules.-

2654 (1) DEFINITIONS.-As used in ss. 11.40-11.51, the term:

2655 (e) "Local governmental entity" means a county agency,
 2656 municipality, or special district as defined in s. 189.012
 2657 ~~189.403~~, but does not include any housing authority established
 2658 under chapter 421.

2659 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.-

2660 (c) The Auditor General shall provide annually a list of
 2661 those special districts which are not in compliance with s.
 2662 218.39 to the Special District Accountability Information
 2663 Program of the Department of Economic Opportunity.

2664 Section 57. Paragraph (c) of subsection (4) of section
 2665 100.011, Florida Statutes, is amended to read:

2666 100.011 Opening and closing of polls, all elections;
 2667 expenses.—

2668 (4)

2669 (c) The provisions of any special law to the contrary
 2670 notwithstanding, all independent and dependent special district
 2671 elections, with the exception of community development district
 2672 elections, shall be conducted in accordance with the
 2673 requirements of ss. 189.04 and 189.041 ~~189.405 and 189.4051~~.

2674 Section 58. Paragraph (f) of subsection (1) of section
 2675 101.657, Florida Statutes, is amended to read:

2676 101.657 Early voting.—

2677 (1)

2678 (f) Notwithstanding the requirements of s. 189.04 ~~189.405~~,
 2679 special districts may provide early voting in any district
 2680 election not held in conjunction with county or state elections.
 2681 If a special district provides early voting, it may designate as
 2682 many sites as necessary and shall conduct its activities in
 2683 accordance with the provisions of paragraphs (a)-(c). The
 2684 supervisor is not required to conduct early voting if it is
 2685 provided pursuant to this subsection.

2686 Section 59. Paragraph (a) of subsection (14) of section
 2687 112.061, Florida Statutes, is amended to read:

2688 112.061 Per diem and travel expenses of public officers,
 2689 employees, and authorized persons.—

2690 (14) APPLICABILITY TO COUNTIES, COUNTY OFFICERS, DISTRICT
 2691 SCHOOL BOARDS, SPECIAL DISTRICTS, AND METROPOLITAN PLANNING
 2692 ORGANIZATIONS.—

2693 (a) The following entities may establish rates that vary
 2694 from the per diem rate provided in paragraph (6) (a), the
 2695 subsistence rates provided in paragraph (6) (b), or the mileage
 2696 rate provided in paragraph (7) (d) if those rates are not less
 2697 than the statutorily established rates that are in effect for
 2698 the 2005-2006 fiscal year:

2699 1. The governing body of a county by the enactment of an
 2700 ordinance or resolution;

2701 2. A county constitutional officer, pursuant to s. 1(d),
 2702 Art. VIII of the State Constitution, by the establishment of
 2703 written policy;

2704 3. The governing body of a district school board by the
 2705 adoption of rules;

2706 4. The governing body of a special district, as defined in
 2707 s. 189.012 ~~189.403(1)~~, except those special districts that are
 2708 subject to s. 166.021(9), by the enactment of a resolution; or

2709 5. Any metropolitan planning organization created pursuant
 2710 to s. 339.175 or any other separate legal or administrative
 2711 entity created pursuant to s. 339.175 of which a metropolitan
 2712 planning organization is a member, by the enactment of a
 2713 resolution.

2714 Section 60. Paragraph (d) of subsection (4) of section
 2715 112.63, Florida Statutes, is amended to read:

2716 112.63 Actuarial reports and statements of actuarial
 2717 impact; review.—

2718 (4) Upon receipt, pursuant to subsection (2), of an
 2719 actuarial report, or, pursuant to subsection (3), of a statement
 2720 of actuarial impact, the Department of Management Services shall
 2721 acknowledge such receipt, but shall only review and comment on
 2722 each retirement system's or plan's actuarial valuations at least
 2723 on a triennial basis.

2724 (d) In the case of an affected special district, the
 2725 Department of Management Services shall also notify the
 2726 Department of Economic Opportunity. Upon receipt of
 2727 notification, the Department of Economic Opportunity shall
 2728 proceed pursuant to s. 189.067 ~~189.421~~.

2729 1. Failure of a special district to provide a required
 2730 report or statement, to make appropriate adjustments, or to
 2731 provide additional material information after the procedures
 2732 specified in s. 189.067(1) ~~189.421(1)~~ are exhausted shall be
 2733 deemed final action by the special district.

2734 2. The Department of Management Services may notify the
 2735 Department of Economic Opportunity of those special districts
 2736 that failed to come into compliance. Upon receipt of
 2737 notification, the Department of Economic Opportunity shall
 2738 proceed pursuant to s. 189.067(4) ~~189.421(4)~~.

2739 Section 61. Subsection (1) of section 112.665, Florida
 2740 Statutes, is amended to read:

2741 112.665 Duties of Department of Management Services.—

2742 (1) The Department of Management Services shall:

2743 (a) Gather, catalog, and maintain complete, computerized

2744 data information on all public employee retirement systems or

2745 plans in the state based upon a review of audits, reports, and

2746 other data pertaining to the systems or plans;

2747 (b) Receive and comment upon all actuarial reviews of

2748 retirement systems or plans maintained by units of local

2749 government;

2750 (c) Cooperate with local retirement systems or plans on

2751 matters of mutual concern and provide technical assistance to

2752 units of local government in the assessment and revision of

2753 retirement systems or plans;

2754 (d) Annually issue, by January 1, a report to the

2755 President of the Senate and the Speaker of the House of

2756 Representatives, which details division activities, findings,

2757 and recommendations concerning all governmental retirement

2758 systems. The report may include legislation proposed to carry

2759 out such recommendations;

2760 (e) Provide a fact sheet for each participating local

2761 government defined benefit pension plan which summarizes the

2762 plan's actuarial status. The fact sheet should provide a summary

2763 of the plan's most current actuarial data, minimum funding

2764 requirements as a percentage of pay, and a 5-year history of

2765 funded ratios. The fact sheet must include a brief explanation

2766 of each element in order to maximize the transparency of the

2767 local government plans. The fact sheet must also contain the

2768 information specified in s. 112.664(1). These documents shall be
 2769 posted on the department's website. Plan sponsors that have
 2770 websites must provide a link to the department's website;

2771 (f) Annually issue, by January 1, a report to the Special
 2772 District Accountability Information ~~Information~~ Program of the Department of
 2773 Economic Opportunity which includes the participation in and
 2774 compliance of special districts with the local government
 2775 retirement system provisions in s. 112.63 and the state-
 2776 administered retirement system provisions specified in part I of
 2777 chapter 121; and

2778 (g) Adopt reasonable rules to administer this part.

2779 Section 62. Subsection (9) of section 121.021, Florida
 2780 Statutes, is amended to read:

2781 121.021 Definitions.—The following words and phrases as
 2782 used in this chapter have the respective meanings set forth
 2783 unless a different meaning is plainly required by the context:

2784 (9) "Special district" means an independent special
 2785 district as defined in s. 189.012 ~~189.403(3)~~.

2786 Section 63. Paragraph (b) of subsection (2) of section
 2787 121.051, Florida Statutes, is amended to read:

2788 121.051 Participation in the system.—

2789 (2) OPTIONAL PARTICIPATION.—

2790 (b)1. The governing body of any municipality, metropolitan
 2791 planning organization, or special district in the state may
 2792 elect to participate in the Florida Retirement System upon
 2793 proper application to the administrator and may cover all of its

2794 units as approved by the Secretary of Health and Human Services
 2795 and the administrator. The department shall adopt rules
 2796 establishing procedures for the submission of documents
 2797 necessary for such application. Before being approved for
 2798 participation in the system, the governing body of a
 2799 municipality, metropolitan planning organization, or special
 2800 district that has a local retirement system must submit to the
 2801 administrator a certified financial statement showing the
 2802 condition of the local retirement system within 3 months before
 2803 the proposed effective date of membership in the Florida
 2804 Retirement System. The statement must be certified by a
 2805 recognized accounting firm that is independent of the local
 2806 retirement system. All required documents necessary for
 2807 extending Florida Retirement System coverage must be received by
 2808 the department for consideration at least 15 days before the
 2809 proposed effective date of coverage. If the municipality,
 2810 metropolitan planning organization, or special district does not
 2811 comply with this requirement, the department may require that
 2812 the effective date of coverage be changed.

2813 2. A municipality, metropolitan planning organization, or
 2814 special district that has an existing retirement system covering
 2815 the employees in the units that are to be brought under the
 2816 Florida Retirement System may participate only after holding a
 2817 referendum in which all employees in the affected units have the
 2818 right to participate. Only those employees electing coverage
 2819 under the Florida Retirement System by affirmative vote in the

2820 referendum are eligible for coverage under this chapter, and
 2821 those not participating or electing not to be covered by the
 2822 Florida Retirement System shall remain in their present systems
 2823 and are not eligible for coverage under this chapter. After the
 2824 referendum is held, all future employees are compulsory members
 2825 of the Florida Retirement System.

2826 3. At the time of joining the Florida Retirement System,
 2827 the governing body of a municipality, metropolitan planning
 2828 organization, or special district complying with subparagraph 1.
 2829 may elect to provide, or not provide, benefits based on past
 2830 service of officers and employees as described in s. 121.081(1).
 2831 However, if such employer elects to provide past service
 2832 benefits, such benefits must be provided for all officers and
 2833 employees of its covered group.

2834 4. Once this election is made and approved it may not be
 2835 revoked, except pursuant to subparagraphs 5. and 6., and all
 2836 present officers and employees electing coverage and all future
 2837 officers and employees are compulsory members of the Florida
 2838 Retirement System.

2839 5. Subject to subparagraph 6., the governing body of a
 2840 hospital licensed under chapter 395 which is governed by the
 2841 governing body ~~board~~ of a special district as defined in s.
 2842 189.012 ~~189.403~~ or by the board of trustees of a public health
 2843 trust created under s. 154.07, hereinafter referred to as
 2844 "hospital district," and which participates in the Florida
 2845 Retirement System, may elect to cease participation in the

2846 system with regard to future employees in accordance with the
 2847 following:

2848 a. No more than 30 days and at least 7 days before
 2849 adopting a resolution to partially withdraw from the system and
 2850 establish an alternative retirement plan for future employees, a
 2851 public hearing must be held on the proposed withdrawal and
 2852 proposed alternative plan.

2853 b. From 7 to 15 days before such hearing, notice of intent
 2854 to withdraw, specifying the time and place of the hearing, must
 2855 be provided in writing to employees of the hospital district
 2856 proposing partial withdrawal and must be published in a
 2857 newspaper of general circulation in the area affected, as
 2858 provided by ss. 50.011-50.031. Proof of publication must be
 2859 submitted to the Department of Management Services.

2860 c. The governing body of a hospital district seeking to
 2861 partially withdraw from the system must, before such hearing,
 2862 have an actuarial report prepared and certified by an enrolled
 2863 actuary, as defined in s. 112.625, illustrating the cost to the
 2864 hospital district of providing, through the retirement plan that
 2865 the hospital district is to adopt, benefits for new employees
 2866 comparable to those provided under the system.

2867 d. Upon meeting all applicable requirements of this
 2868 subparagraph, and subject to subparagraph 6., partial withdrawal
 2869 from the system and adoption of the alternative retirement plan
 2870 may be accomplished by resolution duly adopted by the hospital
 2871 district board. The hospital district board must provide written

2872 notice of such withdrawal to the division by mailing a copy of
 2873 the resolution to the division, postmarked by December 15, 1995.
 2874 The withdrawal shall take effect January 1, 1996.

2875 6. Following the adoption of a resolution under sub-
 2876 subparagraph 5.d., all employees of the withdrawing hospital
 2877 district who were members of the system before January 1, 1996,
 2878 shall remain as members of the system for as long as they are
 2879 employees of the hospital district, and all rights, duties, and
 2880 obligations between the hospital district, the system, and the
 2881 employees remain in full force and effect. Any employee who is
 2882 hired or appointed on or after January 1, 1996, may not
 2883 participate in the system, and the withdrawing hospital district
 2884 has no obligation to the system with respect to such employees.

2885 Section 64. Subsection (1) of section 153.94, Florida
 2886 Statutes, is amended to read:

2887 153.94 Applicability of other laws.—Except as expressly
 2888 provided in this act:

2889 (1) With respect to any wastewater facility privatization
 2890 contract entered into under this act, a public entity is subject
 2891 to s. 125.3401, s. 180.301, s. 189.054 ~~189.423~~, or s. 190.0125
 2892 but is not subject to the requirements of chapter 287.

2893 Section 65. Paragraph (a) of subsection (2) of section
 2894 163.08, Florida Statutes, is amended to read:

2895 163.08 Supplemental authority for improvements to real
 2896 property.—

2897 (2) As used in this section, the term:

2898 (a) "Local government" means a county, a municipality, a
 2899 dependent special district as defined in s. 189.012 ~~189.403~~, or
 2900 a separate legal entity created pursuant to s. 163.01(7).

2901 Section 66. Subsection (7) of section 165.031, Florida
 2902 Statutes, is amended to read:

2903 165.031 Definitions.—The following terms and phrases, when
 2904 used in this chapter, shall have the meanings ascribed to them
 2905 in this section, except where the context clearly indicates a
 2906 different meaning:

2907 (7) "Special district" means a local unit of special
 2908 government, as defined in s. 189.012 ~~189.403(1)~~. This term
 2909 includes dependent special districts, as defined in s. 189.012
 2910 ~~189.403(2)~~, and independent special districts, as defined in s.
 2911 189.012 ~~189.403(3)~~. All provisions of s. 200.001(8)(d) and (e)
 2912 shall be considered provisions of this chapter.

2913 Section 67. Paragraph (b) of subsection (1) and
 2914 subsections (8) and (16) of section 165.0615, Florida Statutes,
 2915 are amended to read:

2916 165.0615 Municipal conversion of independent special
 2917 districts upon elector-initiated and approved referendum.—

2918 (1) The qualified electors of an independent special
 2919 district may commence a municipal conversion proceeding by
 2920 filing a petition with the governing body of the independent
 2921 special district proposed to be converted if the district meets
 2922 all of the following criteria:

2923 (b) It is designated as an improvement district and
 2924 created pursuant to chapter 298 or is designated as a
 2925 stewardship district and created pursuant to s. 189.031 ~~189.404~~.

2926 (8) Notice of the final public hearing on the proposed
 2927 elector-initiated combined municipal incorporation plan must be
 2928 published pursuant to the notice requirements in s. 189.015
 2929 ~~189.417~~ and must provide a descriptive summary of the elector-
 2930 initiated municipal incorporation plan and a reference to the
 2931 public places within the independent special district where a
 2932 copy of the plan may be examined.

2933 (16) If the incorporation plan is approved by a majority
 2934 of the votes cast in the independent special district, the
 2935 district shall notify the special district accountability
 2936 ~~information~~ program pursuant to s. 189.016(2) ~~189.418(2)~~ and the
 2937 local general-purpose governments in which any part of the
 2938 independent special district is situated pursuant to s.
 2939 189.016(7) ~~189.418(7)~~.

2940 Section 68. Subsection (3) of section 171.202, Florida
 2941 Statutes, is amended to read:

2942 171.202 Definitions.—As used in this part, the term:

2943 (3) "Independent special district" means an independent
 2944 special district, as defined in s. 189.012 ~~189.403~~, which
 2945 provides fire, emergency medical, water, wastewater, or
 2946 stormwater services.

2947 Section 69. Subsection (16) of section 175.032, Florida
 2948 Statutes, is amended to read:

2949 175.032 Definitions.—For any municipality, special fire
 2950 control district, chapter plan, local law municipality, local
 2951 law special fire control district, or local law plan under this
 2952 chapter, the following words and phrases have the following
 2953 meanings:

2954 (16) "Special fire control district" means a special
 2955 district, as defined in s. 189.012 ~~189.403(1)~~, established for
 2956 the purposes of extinguishing fires, protecting life, and
 2957 protecting property within the incorporated or unincorporated
 2958 portions of any county or combination of counties, or within any
 2959 combination of incorporated and unincorporated portions of any
 2960 county or combination of counties. The term does not include any
 2961 dependent or independent special district, as defined in s.
 2962 189.012 ~~189.403(2) and (3)~~, respectively, the employees of which
 2963 are members of the Florida Retirement System pursuant to s.
 2964 121.051(1) or (2).

2965 Section 70. Subsection (6) of section 190.011, Florida
 2966 Statutes, is amended to read:

2967 190.011 General powers.—The district shall have, and the
 2968 body ~~board~~ may exercise, the following powers:

2969 (6) To maintain an office at such place or places as it
 2970 may designate within a county in which the district is located
 2971 or within the boundaries of a development of regional impact or
 2972 a Florida Quality Development, or a combination of a development
 2973 of regional impact and a Florida Quality Development, which
 2974 includes the district, which office must be reasonably

2975 accessible to the landowners. Meetings pursuant to s. 189.015(3)
 2976 ~~189.417(3)~~ of a district within the boundaries of a development
 2977 of regional impact or Florida Quality Development, or a
 2978 combination of a development of regional impact and a Florida
 2979 Quality Development, may be held at such office.

2980 Section 71. Subsection (8) of section 190.046, Florida
 2981 Statutes, is amended to read:

2982 190.046 Termination, contraction, or expansion of
 2983 district.—

2984 (8) In the event the district has become inactive pursuant
 2985 to s. 189.062 ~~189.4044~~, the respective board of county
 2986 commissioners or city commission shall be informed and it shall
 2987 take appropriate action.

2988 Section 72. Section 190.049, Florida Statutes, is amended
 2989 to read:

2990 190.049 Special acts prohibited.—Pursuant to s. 11(a)(21),
 2991 Art. III of the State Constitution, there shall be no special
 2992 law or general law of local application creating an independent
 2993 special district which has the powers enumerated in two or more
 2994 of the paragraphs contained in s. 190.012, unless such district
 2995 is created pursuant to the provisions of s. 189.031 ~~189.404~~.

2996 Section 73. Subsection (5) of section 191.003, Florida
 2997 Statutes, is amended to read:

2998 191.003 Definitions.—As used in this act:

2999 (5) "Independent special fire control district" means an
 3000 independent special district as defined in s. 189.012 ~~189.403~~,

3001 created by special law or general law of local application,
 3002 providing fire suppression and related activities within the
 3003 jurisdictional boundaries of the district. The term does not
 3004 include a municipality, a county, a dependent special district
 3005 as defined in s. 189.012 ~~189.403~~, a district providing primarily
 3006 emergency medical services, a community development district
 3007 established under chapter 190, or any other multiple-power
 3008 district performing fire suppression and related services in
 3009 addition to other services.

3010 Section 74. Paragraph (a) of subsection (1) and subsection
 3011 (8) of section 191.005, Florida Statutes, are amended to read:

3012 191.005 District boards of commissioners; membership,
 3013 officers, meetings.—

3014 (1)(a) With the exception of districts whose governing
 3015 boards are appointed collectively by the Governor, the county
 3016 commission, and any cooperating city within the county, the
 3017 business affairs of each district shall be conducted and
 3018 administered by a five-member board. All three-member boards
 3019 existing on the effective date of this act shall be converted to
 3020 five-member boards, except those permitted to continue as a
 3021 three-member board by special act adopted in 1997 or thereafter.
 3022 The board shall be elected in nonpartisan elections by the
 3023 electors of the district. Except as provided in this act, such
 3024 elections shall be held at the time and in the manner prescribed
 3025 by law for holding general elections in accordance with s.
 3026 189.04(2)(a) ~~189.405(2)(a)~~ and (3), and each member shall be

3027 | elected for a term of 4 years and serve until the member's
 3028 | successor assumes office. Candidates for the board of a district
 3029 | shall qualify as directed by chapter 99.

3030 | (8) All meetings of the board shall be open to the public
 3031 | consistent with chapter 286, s. 189.015 ~~189.417~~, and other
 3032 | applicable general laws.

3033 | Section 75. Subsection (2) of section 191.013, Florida
 3034 | Statutes, is amended to read:

3035 | 191.013 Intergovernmental coordination.—

3036 | (2) Each independent special fire control district shall
 3037 | adopt a 5-year plan to identify the facilities, equipment,
 3038 | personnel, and revenue needed by the district during that 5-year
 3039 | period. The plan shall be updated in accordance with s. 189.08
 3040 | ~~189.415~~ and shall satisfy the requirement for a public
 3041 | facilities report required by s. 189.08(2) ~~189.415(2)~~.

3042 | Section 76. Subsection (1) of section 191.014, Florida
 3043 | Statutes, is amended to read:

3044 | 191.014 District creation and expansion.—

3045 | (1) New districts may be created only by the Legislature
 3046 | under s. 189.031 ~~189.404~~.

3047 | Section 77. Section 191.015, Florida Statutes, is amended
 3048 | to read:

3049 | 191.015 Codification.—Each fire control district existing
 3050 | on the effective date of this section, by December 1, 2004,
 3051 | shall submit to the Legislature a draft codified charter, at its
 3052 | expense, so that its special acts may be codified into a single

3053 act for reenactment by the Legislature, if there is more than
 3054 one special act for the district. The Legislature may adopt a
 3055 schedule for individual district codification. Any codified act
 3056 relating to a district, which act is submitted to the
 3057 Legislature for reenactment, shall provide for the repeal of all
 3058 prior special acts of the Legislature relating to the district.
 3059 The codified act shall be filed with the Department of Economic
 3060 Opportunity pursuant to s. 189.016(2) ~~189.418(2)~~.

3061 Section 78. Paragraphs (c), (d), and (e) of subsection (8)
 3062 of section 200.001, Florida Statutes, are amended to read:

3063 200.001 Millages; definitions and general provisions.—

3064 (8)

3065 (c) "Special district" means a special district as defined
 3066 in s. 189.012 ~~189.403(1)~~.

3067 (d) "Dependent special district" means a dependent special
 3068 district as defined in s. 189.012 ~~189.403(2)~~. Dependent special
 3069 district millage, when added to the millage of the governing
 3070 body to which it is dependent, shall not exceed the maximum
 3071 millage applicable to such governing body.

3072 (e) "Independent special district" means an independent
 3073 special district as defined in s. 189.012 ~~189.403(3)~~, with the
 3074 exception of a downtown development authority established prior
 3075 to the effective date of the 1968 State Constitution as an
 3076 independent body, either appointed or elected, regardless of
 3077 whether or not the budget is approved by the local governing
 3078 body, if the district levies a millage authorized as of the

3079 effective date of the 1968 State Constitution. Independent
 3080 special district millage shall not be levied in excess of a
 3081 millage amount authorized by general law and approved by vote of
 3082 the electors pursuant to s. 9(b), Art. VII of the State
 3083 Constitution, except for those independent special districts
 3084 levying millage for water management purposes as provided in
 3085 that section and municipal service taxing units as specified in
 3086 s. 125.01(1)(q) and (r). However, independent special district
 3087 millage authorized as of the date the 1968 State Constitution
 3088 became effective need not be so approved, pursuant to s. 2, Art.
 3089 XII of the State Constitution.

3090 Section 79. Subsections (1), (5), (6), and (7) of section
 3091 218.31, Florida Statutes, are amended to read:

3092 218.31 Definitions.—As used in this part, except where the
 3093 context clearly indicates a different meaning:

3094 (1) "Local governmental entity" means a county agency, a
 3095 municipality, or a special district as defined in s. 189.012
 3096 ~~189.403~~. For purposes of s. 218.32, the term also includes a
 3097 housing authority created under chapter 421.

3098 (5) "Special district" means a special district as defined
 3099 in s. 189.012 ~~189.403(1)~~.

3100 (6) "Dependent special district" means a dependent special
 3101 district as defined in s. 189.012 ~~189.403(2)~~.

3102 (7) "Independent special district" means an independent
 3103 special district as defined in s. 189.012 ~~189.403(3)~~.

3104 Section 80. Paragraph (a) and (f) of subsection (1) and
 3105 subsection (2) of section 218.32, Florida Statutes, are amended
 3106 to read:

3107 218.32 Annual financial reports; local governmental
 3108 entities.—

3109 (1)(a) Each local governmental entity that is determined
 3110 to be a reporting entity, as defined by generally accepted
 3111 accounting principles, and each independent special district as
 3112 defined in s. 189.012 ~~189.403~~, shall submit to the department a
 3113 copy of its annual financial report for the previous fiscal year
 3114 in a format prescribed by the department. The annual financial
 3115 report must include a list of each local governmental entity
 3116 included in the report and each local governmental entity that
 3117 failed to provide financial information as required by paragraph
 3118 (b). The chair of the governing body and the chief financial
 3119 officer of each local governmental entity shall sign the annual
 3120 financial report submitted pursuant to this subsection attesting
 3121 to the accuracy of the information included in the report. The
 3122 county annual financial report must be a single document that
 3123 covers each county agency.

3124 (f) If the department does not receive a completed annual
 3125 financial report from a local governmental entity within the
 3126 required period, it shall notify the Legislative Auditing
 3127 Committee and the Special District Accountability Information
 3128 Program of the Department of Economic Opportunity of the
 3129 entity's failure to comply with the reporting requirements.

3130 (2) The department shall annually by December 1 file a
 3131 verified report with the Governor, the Legislature, the Auditor
 3132 General, and the Special District Accountability Information
 3133 Program of the Department of Economic Opportunity showing the
 3134 revenues, both locally derived and derived from
 3135 intergovernmental transfers, and the expenditures of each local
 3136 governmental entity, regional planning council, local government
 3137 finance commission, and municipal power corporation that is
 3138 required to submit an annual financial report. The report must
 3139 include, but is not limited to:

3140 (a) The total revenues and expenditures of each local
 3141 governmental entity that is a component unit included in the
 3142 annual financial report of the reporting entity.

3143 (b) The amount of outstanding long-term debt by each local
 3144 governmental entity. For purposes of this paragraph, the term
 3145 "long-term debt" means any agreement or series of agreements to
 3146 pay money, which, at inception, contemplate terms of payment
 3147 exceeding 1 year in duration.

3148 Section 81. Paragraph (g) of subsection (1) of section
 3149 218.37, Florida Statutes, is amended to read:

3150 218.37 Powers and duties of Division of Bond Finance;
 3151 advisory council.-

3152 (1) The Division of Bond Finance of the State Board of
 3153 Administration, with respect to both general obligation bonds
 3154 and revenue bonds, shall:

3155 (g) By January 1 each year, provide the Special District
 3156 Accountability Information ~~Information~~ Program of the Department of Economic
 3157 Opportunity with a list of special districts that are not in
 3158 compliance with the requirements in s. 218.38.

3159 Section 82. Paragraph (j) of subsection (1) of section
 3160 255.20, Florida Statutes, is amended to read:

3161 255.20 Local bids and contracts for public construction
 3162 works; specification of state-produced lumber.—

3163 (1) A county, municipality, special district as defined in
 3164 chapter 189, or other political subdivision of the state seeking
 3165 to construct or improve a public building, structure, or other
 3166 public construction works must competitively award to an
 3167 appropriately licensed contractor each project that is estimated
 3168 in accordance with generally accepted cost-accounting principles
 3169 to cost more than \$300,000. For electrical work, the local
 3170 government must competitively award to an appropriately licensed
 3171 contractor each project that is estimated in accordance with
 3172 generally accepted cost-accounting principles to cost more than
 3173 \$75,000. As used in this section, the term "competitively award"
 3174 means to award contracts based on the submission of sealed bids,
 3175 proposals submitted in response to a request for proposal,
 3176 proposals submitted in response to a request for qualifications,
 3177 or proposals submitted for competitive negotiation. This
 3178 subsection expressly allows contracts for construction
 3179 management services, design/build contracts, continuation
 3180 contracts based on unit prices, and any other contract

3181 arrangement with a private sector contractor permitted by any
 3182 applicable municipal or county ordinance, by district
 3183 resolution, or by state law. For purposes of this section, cost
 3184 includes the cost of all labor, except inmate labor, and the
 3185 cost of equipment and materials to be used in the construction
 3186 of the project. Subject to the provisions of subsection (3), the
 3187 county, municipality, special district, or other political
 3188 subdivision may establish, by municipal or county ordinance or
 3189 special district resolution, procedures for conducting the
 3190 bidding process.

3191 (j) A county, municipality, special district as defined in
 3192 s. 189.012 ~~189.403~~, or any other political subdivision of the
 3193 state that owns or operates a public-use airport as defined in
 3194 s. 332.004 is exempt from this section when performing repairs
 3195 or maintenance on the airport's buildings, structures, or public
 3196 construction works using the local government's own services,
 3197 employees, and equipment.

3198 Section 83. Subsection (4) of section 298.225, Florida
 3199 Statutes, is amended to read:

3200 298.225 Water control plan; plan development and
 3201 amendment.—

3202 (4) Information contained within a district's facilities
 3203 plan prepared pursuant to s. 189.08 ~~189.415~~ which satisfies any
 3204 of the provisions of subsection (3) may be used as part of the
 3205 district water control plan.

3206 Section 84. Subsection (7) of section 343.922, Florida
 3207 Statutes, is amended to read:

3208 343.922 Powers and duties.—

3209 (7) The authority shall comply with all statutory
 3210 requirements of general application which relate to the filing
 3211 of any report or documentation required by law, including the
 3212 requirements of ss. 189.015, 189.016, 189.051, and 189.08
 3213 ~~189.4085, 189.415, 189.417, and 189.418.~~

3214 Section 85. Subsection (5) of section 348.0004, Florida
 3215 Statutes, is amended to read:

3216 348.0004 Purposes and powers.—

3217 (5) Any authority formed pursuant to this act shall comply
 3218 with all statutory requirements of general application which
 3219 relate to the filing of any report or documentation required by
 3220 law, including the requirements of ss. 189.015, 189.016,
 3221 189.051, and 189.08 ~~189.4085, 189.415, 189.417, and 189.418.~~

3222 Section 86. Section 373.711, Florida Statutes, is amended
 3223 to read:

3224 373.711 Technical assistance to local governments.—The
 3225 water management districts shall assist local governments in the
 3226 development and future revision of local government
 3227 comprehensive plan elements or public facilities report as
 3228 required by s. 189.08 ~~189.415~~, related to water resource issues.

3229 Section 87. Paragraph (b) of subsection (3) of section
 3230 403.0891, Florida Statutes, is amended to read:

3231 403.0891 State, regional, and local stormwater management
 3232 plans and programs.—The department, the water management
 3233 districts, and local governments shall have the responsibility
 3234 for the development of mutually compatible stormwater management
 3235 programs.

3236 (3)

3237 (b) Local governments are encouraged to consult with the
 3238 water management districts, the Department of Transportation,
 3239 and the department before adopting or updating their local
 3240 government comprehensive plan or public facilities report as
 3241 required by s. 189.08 ~~189.415~~, whichever is applicable.

3242 Section 88. Subsection (1) of section 582.32, Florida
 3243 Statutes, is amended to read:

3244 582.32 Effect of dissolution.—

3245 (1) Upon issuance of a certificate of dissolution, s.
 3246 189.076(2) ~~189.4045(2)~~ applies and all land use regulations in
 3247 effect within such districts are void.

3248 Section 89. Paragraph (a) of subsection (3) of section
 3249 1013.355, Florida Statutes, is amended to read:

3250 1013.355 Educational facilities benefit districts.—

3251 (3)(a) An educational facilities benefit district may be
 3252 created pursuant to this act and chapters 125, 163, 166, and
 3253 189. An educational facilities benefit district charter may be
 3254 created by a county or municipality by entering into an
 3255 interlocal agreement, as authorized by s. 163.01, with the
 3256 district school board and any local general purpose government

PCS for HB 1237

ORIGINAL

2014

3257 | within whose jurisdiction a portion of the district is located
3258 | and adoption of an ordinance that includes all provisions
3259 | contained within s. 189.02 ~~189.4041~~. The creating entity shall
3260 | be the local general purpose government within whose boundaries
3261 | a majority of the educational facilities benefit district's
3262 | lands are located.

3263 | Section 90. This act shall take effect July 1, 2014.